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(Ngati Kahungunu)

Carwyn completed bachelors degrees in law and history at VUW before undertaking an MA in Interdisciplinary Studies (combining law, environmental studies, and indigenous peoples' studies) at York University, Toronto. He has worked as a policy analyst at the Office of Treaty Settlements and in various roles at the Waitangi Tribunal where he is currently the Judicial Support Manager.

Welcoming Kahu and Gordon to the Law: The place of the powhiri in jurisprudential research

“Well, what did you think of the pōwhiri Gordon?”

“It was all quite an experience. There were some deeply spiritual parts, and other parts where I detected more than a trace of humour. Very emotive, very dramatic.”

“Very Māori, Gord.”

This paper will look at how Māori concepts can be used in researching legal topics. I will outline the process that I undertook in researching and presenting research relating to the philosophical bases of Māori and common law legal systems. In particular I will discuss the application to the research of some of the fundamental aspects of a pōwhiri that I have used to assist me in keeping Māori values to the fore, consistent with Kaupapa Māori Research methodology.

The research that I will discuss is the work that I undertook to complete my Masters degree in Canada. The purpose of the research was to examine the possibility of developing principles derived from tikanga Māori, Treaty jurisprudence, and concepts underlying sustainable development which would guide the construction of a resource management regime that gives proper accord to tino rangatiratanga. I structured my thesis around the pōwhiri according to the following structure:

1. Wero – The challenge: Introduction; Methodology; Sustainable Development
2. Karanga – The call: Māori self-determination; Background to Treaty settlements; Māori and New Zealand liberal-democratic concepts of Authority
3. Whaikōrero – Exchanging debate: Te Ao Māori – The Māori World; The dominant legal system; Obstacles to effective recognition of Aboriginal peoples' rights in Canada; Strategies for Tino Rangatiratanga
4. Hongi – Symbolic interaction: Interaction of legal systems; Principles to guide the development of resource management laws.

This structure is ideally suited to interdisciplinary study, and (as the research is about reframing Western concepts), it was appropriate that the thesis itself was presented in a way which gives primacy to indigenous values but allows space for interaction with Western ideas.

I will also discuss the use of narrative in academic research. Running parallel to the main body of text in my thesis is a guide to the pōwhiri. The guide explains aspects of the pōwhiri for readers who are not familiar with this ceremony. The guide is presented in a narrative form and appears at the bottom of each page. The narrative follows two people as they are welcomed on to the Marae. It is intended that presenting the information in this way will provide an evocative account of the pōwhiri process, without interrupting the metaphorical pōwhiri constructed by the body of the thesis. The guide begins with the two characters, Kahu and Gordon, arriving as visitors, to be welcomed on to the Marae by the local people.

This discussion will illustrate how the use of the structure and concepts of the pōwhiri and the inclusion of a narrative form in scholarly research enabled issues relating to fundamental Māori and Western legal concepts to be explored from an interdisciplinary, Māori perspective.