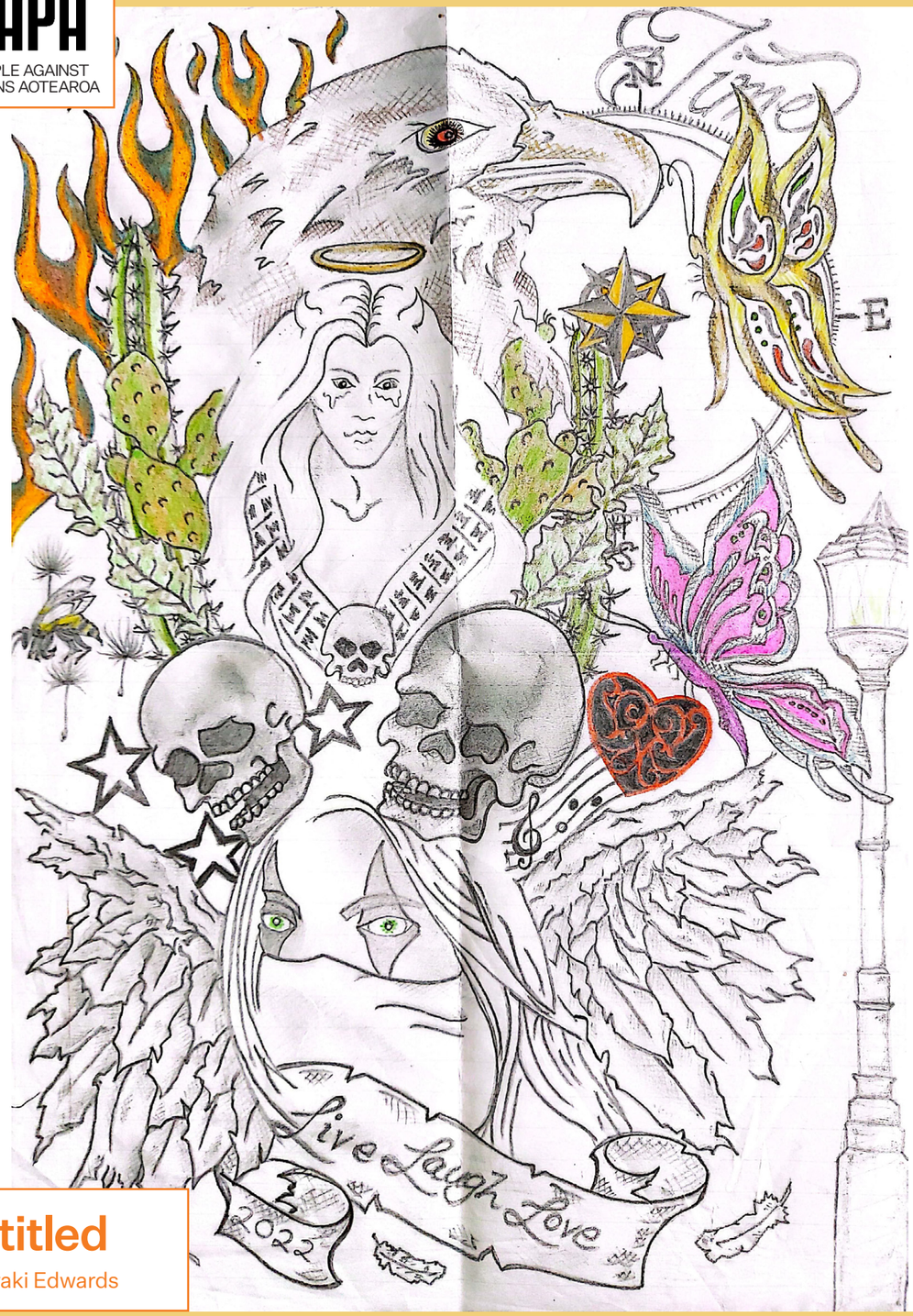
PAPA
PEOPLE AGAINST
PRISONS AOTEAROA

# TAKE NO PRISONERS

ISSUE 8 | NOVEMBER 2022




## Untitled

By Pāraki Edwards

# TIKANGA, JUSTICE AND HEALING AOTEAROA

**Many Māori are treated unfairly by the Pākehā justice system simply because they are Māori. Increasingly, Māori voices are calling for a 'Tikanga Māori' approach to justice. Tikanga Māori, the glue of traditional Māori society, included ways of expressing and upholding justice, many of which could still be relevant to the world today. In this piece, I hope to suggest how a modern 'justice' system might be inspired by traditional Māori society, and how entrenched injustice and pain can be healed by acknowledgement of tikanga.**

## What is Tikanga Māori?

Tikanga is commonly understood as "way(s) of doing and thinking held by Māori to be just and correct".[5] Tikanga Māori is "developed from philosophies to do with the sacred and the interrelatedness of whakapapa between humans and between people and their lands and waters".[7] Whakapapa connects everything together by common ancestry to the Atua. Through whakapapa, Māori understand their direct 'blood' relationship to not only all other Māori, but the natural world, and to natural features that a Pākehā worldview would consider nonliving. In essence, one of the foundational pillars of tikanga Māori is the idea that everything is connected to everything else.

The second pillar is mana. Mana is defined by the Māori dictionary (among other ways) as being "the enduring, indestructible power of the atua... inherited at birth". In Te Ao Māori "virtually every activity... has a link with the maintenance and enhancement of mana".[4] According to a Māori worldview, everything can whakapapa back to the gods—humans, plants, animals, etc—and thus every single one of these entities carries within it sacred mana. Everything is related by whakapapa back to the Atua, and the mana that flows through this whakapapa must be respected and upheld. Mana can also be enhanced by acts of individuals or groups that are considered exceptional. Tikanga Māori places an emphasis on upholding this fellowship of existence and respecting the mana of every being in it.

The concept of tapu, and the upholding of it, is the third essential pillar in a tikanga Māori framework. Tapu can relate to "people, objects [and] elements" and describes something being set apart "from ordinary usage so as to protect it and prevent it being interfered with".[6] For example, a fishing place may be made tapu to allow it to regenerate, or to preserve resources for a feast. To return to the first definition, tikanga is what Māori consider just and correct, and what is just and correct is enhancing and respecting mana, and upholding tapu.

## How does tikanga differ from Pākehā law?

Tikanga Māori differs substantially from a Pākehā law-based model of social control. Historically, tikanga was passed on orally, meaning that it lacks the rigidity of written laws. "Tikanga Māori... [is] based on a continuing review of fundamental principles in a dialogue between the past and the present",[1] and thus tends to be tested, upheld, and changed as needed by successive generations in a dynamic process.

Tikanga Māori evolves and changes, but it remains coherent with its underlying principles. Māori values were reflected in the practice of every group, despite the fact that "every hapū [had] their own specific tikanga, their own way of doing things".[3] For example "the way in which a hapū greet and welcome manuhiri may differ from the way another hapū extends greetings to its manuhiri".[8] One of the strengths of tikanga Māori is the flexibility to practice the underlying values in the most effective way for each whānau, hapū and iwi.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# SUDOKUS!

## Difficulty: Medium

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Notes

## Difficulty: Easy

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Notes



The fundamental difference between tikanga and Pākehā law is as follows: when a Pākehā law is imposed, that law remains in place until it is changed. This is largely without regard for whether the law serves the majority of people. Many harmful laws remain law for extended periods of time (examples can be found in marriage law, reproductive rights, drug law and others). Tikanga Māori is only valid as long as it serves the people, and can evolve at any time through hui and kōrero to serve the people better in accordance with Māori core values.

### What makes a crime a crime?

All cultures and social groups have systems to address breaches of their value structures—what to do when someone does something 'wrong'. What counts as 'wrong' is often a key point of difference between cultures. For Māori, a breach of tikanga is essentially "an offence against the relationships which [hold] the community together, including the relationships with the land and waters".[2] In Western legal systems, a crime is "an offence against an all-powerful god or state",[2] and, as private property became increasingly prioritised by capitalist states, the definition of crime naturally has become increasingly associated with questions of ownership. This led to the "logical conclusion of the legal process" [2]: cruel punishments and imprisonment in defence of private property, while welfare and relationships are neglected by those in power.

The colonial process stripped tikanga from our people and instituted Pākehā law in its place. In addition to the significant factors of racism and colonial thought, I believe the contradiction of a people without a concept of private property being governed by a system that staunchly values private property is a significant factor as to why Māori have fared so poorly under Pākehā systems. In addition, this prioritisation of property over people and relationships is what makes the Pākehā legal system antithetical to tikanga—property rights are upheld, regardless of whether or not the mana of all is respected or if the damaged relationship is restored.

### Tika justice in modern day Aotearoa

So what might a justice system based on tikanga look like in modern Aotearoa? It does not invalidate tikanga's effectiveness to say that the tikanga of precolonial Māori would not be suitable to apply directly to today's world. The way to bring it up to date would be to apply the method that our tūpuna used to ensure it remained effective: engaging in hui and kōrero to determine how we could today adhere to the core values of tikanga, while at the same time ensuring that the tikanga serves the people. I don't believe that anyone proposing a 'tikanga Māori' system in Aotearoa is suggesting that war parties should sent by your neighbour to take your moveable valuables in compensation for disrespecting the tapu they placed upon their flower beds. However, tikanga requires respect for the relationship between the two parties, and might call upon you to engage in kōrero with your neighbour to decide together how best to repair that relationship and return it to a state of ea.

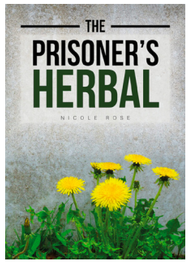
The Resolution Institutes Restorative Justice model outlines an example: an unlicensed and over the limit driver hit and killed a pedestrian. The offender and his whānau engaged in kōrero with the victim's whānau to decide on a muru, consisting of community work, monetary compensation, a letter of apology, and attendance of the offender at an alcohol and drug clinic. This upheld the mana of all parties, and prioritised restoration of relationships. Under Aotearoa's current justice system, this crime can carry a term of imprisonment of up to five years. This punishment does nothing to restore the relationship between offender and victim. It leaves the victim no better off, and guarantees the offender will be made worse off by imprisonment, while not guaranteeing that upon release they will be deterred from harmful behaviour. In contrast, applying the principles of tikanga to our contemporary systems of justice would lead to positive and restorative justice outcomes.

*By Jake Doyle*

1. Belgrave, M. (1996). *Māori Customary Law: from Extinguishment to Enduring Recognition*. Albany: Unpublished paper for Massey Law Commission.

2. Jackson, M. (2017, October 14). *Prison should never be the only answer. E Tangata.*
3. Maniapoto, M. (2016, February 28). Confused about tikanga? Join the club. *E-Tangata.*
4. Ministry of Justice. (2001). *He Hīnātore ki te Ao Māori.* Wellington.
5. New Zealand Law Commission. (2001). *Māori Custom And Values In New Zealand Law.* Wellington.
6. Resolution Institute. (2022, February). Working with Māori in restorative justice | He taha Māori. *Restorative Justice Training Modules.*
7. Sykes, A. (2020). The Myth of Tikanga in the Pākehā Law. *Nin Thomas Memorial Lecture 2020.*
8. University of Otago. (n.d.). *Societal lore (tikanga) in Māori culture*. Retrieved from Māori ki Te Whare Wānanga o Ōtākou: https://www.otago.ac.nz/maori/world/tikanga/lore/

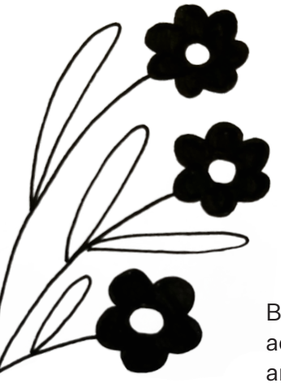
# THE PRISONER'S HERBAL




Our Ōtepoti branch have some copies of the book *The Prisoner's Herbal* to give away to people in prison. This book was written by English herbalist Nicole Rose in response to her own prison time and her work supporting incarcerated partners, friends and comrades, and it has made its way into prisons around the world. From the back of the book:

***Prisoners all over the world commonly experience medical neglect and a dehumanising separation from wild places. However, weeds come up through the concrete cracks. This book contains detailed profiles of ten plants that are commonly found in prison yards. It is based on my use of plants during my own 3.5-year prison sentence, with suggestions on how to prepare medicines in prison with limited resources.***

***It also includes tips and tricks for making the most out of foods, spices and condiments available from the prison canteen (commissary), as well as sections on how to connect with plant allies emotionally and how to care for wounds in a prison environment.***



Because The Prisoner's Herbal was written in the UK, some plants may not be accessible in Aotearoa or might have different names. The book includes illustrations and coloured images to help you with plant identification.

If you'd like a copy, send us a property form and we'll send one to you!



# CONNECT

***Take No Prisoners*** is a newsletter published every three months by People Against Prisons Aotearoa. It is freely available to anyone in prison. We want this newsletter to reflect your interests, questions and perspectives—we could not do what we do without your input. If there's something going on that you think we should know about, if you'd like to know more about something in the newsletter, or if you'd like us to research and write about something specific, please get in touch. It is helpful for us if you let us know whether you're happy for your words to be shared in future issues or on our social media, and whether you'd like your name attached to them.

We welcome art and poetry to be printed in future issues and/or shared on our social media. We are also interested in hearing from anyone interested in writing articles and longer pieces, get in touch if this is you! You can contact PAPA at People Against Prisons, PO Box 5870, Victoria St West, Auckland Central 1142. We're particularly looking for artwork to feature on the covers of future issues!

Finally, in every issue of *Take No Prisoners*, the **Connect** section will collect any opportunities we're aware of for you to make your voice heard.

Thank you to everyone who has taken the time to write to us. Your voices shape what we do every single day.

Ngā mihi nui,
Kerry (Newsletter Coordinator)

**Prisoner Correspondence Network (PCN):**

If you would like to apply for a penpal, send your name, PRN, date of birth, address, and an introduction (a bit about yourself) to:

**PCN Aotearoa**
**PO Box 5870**
**Victoria St West**
**Auckland Central 1142**

NOTE: This is NOT a dating service.

**COVID-19 Campaign:**

People Against Prisons Aotearoa are working on a campaign to address the unacceptable and harmful response of prisons to the ongoing COVID-19 pandemic.

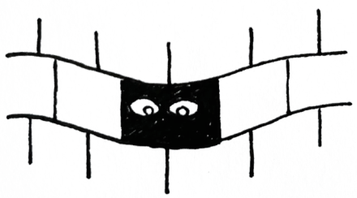
The core demands of the campaign are:

- Urgent release of 'low risk' prisoners
- Immediate end to 23 hr lockdowns
- Lifting visitor ban
- Access to high-quality PPE for all prisoners.

Your perspectives and stories are incredibly valuable to us as we work to inform people, mobilise the public, and apply pressure to justice leaders. Please get in touch if you would like to share any of your experiences or thoughts on this, and let us know if you are happy for us to share your words and whether you would like your name included.

## Dark Space

Anonymous



Stuck in a dark space our gears can't be shifted All i have left is this pad & pen to write shit down & stay mentally gifted it's been a whole life bought up behind these walls so the life on the outside yet ain't been pictured my lifestyle changes are still recommended with a classification to dangerous and wicked you can try and speak out but when looking around there truly is no help everybody has disconnected which leaves you scared hurt & fractured so stuff the system 'cause this is what gives them satisfaction this is our life and now our reaction keep your head up never lose who you are and believe in the strength of motivation

## Quotes

Tim Grass

Our past

doesn't control

our future.

If life was easy

we would

never learn

anything.

I will live with hurt

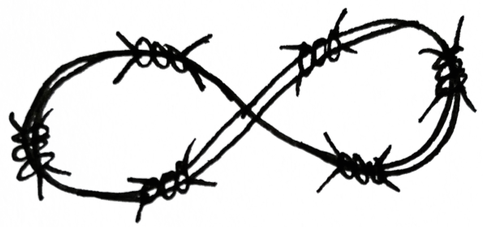
All my life

If it means you could

be happy

forever.

To forgive doesn't mean to forget, it just means you are able to grow empathy and are able to move on with your life with no remorse or hatred that controls who you are as a person, you only have one life so don't regret that you made the right decision to move, for forgiveness is the key to life.





# HEALTH-BASED APPROACHES TO DRUG HARM

**In 1982, US President Ronald Reagan declared a "war on drugs". This was part of a racist moral panic about crack cocaine, but it was also an extension of an ongoing backlash to a culture in the 1960s that had been open about drug use. Drug prohibition policies were introduced in America throughout the 1970s, and Reagan's "war on drugs" made them significantly harsher.**

A similar cultural shift happened in New Zealand at around the same time. In 1975 we introduced the Misuse of Drugs Act, which also took a prohibition approach by trying to prevent drug use using the threat of tough sentences for the possession or sale of drugs.

It is now nearly 50 years later, and many people joke that if we've been waging a war on drugs, then the drugs have won. Drug use is still a reality in many communities, despite huge numbers of people with criminal records or prison sentences for drug offences. The last 50 years have shown clearly that harsh punishments aren't very good at preventing people from using drugs.

Experts on drug harm say that the way we treat users of drugs often causes more harm to them than the drugs themselves. A criminal record or incarceration causes harm to people's relationship with their families and communities, and makes it harder for them to find work. For Māori, it can mean a disconnection from whakapapa. Most people who are imprisoned for drug offences start using again upon release, because prisons are not effective environments for rehabilitation.

In New Zealand, criminal penalties for drugs also reinforce racist outcomes in our justice system. Māori are much more likely than Pākehā to be convicted of drug offences, beyond what would be explained by differences in drug use between the two groups. For example, last year 48% of all people convicted of low-level drug offences were Māori, at almost four times the rate of non-Māori.

As well as these harms, drug prohibition creates a black market, driving up prices. Many drug users, especially those struggling with addiction, commit other kinds of crime or start dealing in order to fund their drug use. Black markets have no quality control, which can lead to accidental overdoses. Criminal penalties for drug use also prevent people from seeking help or admitting when their drug use has become problematic.

While many people who use drugs are not harmed by them, almost everyone in New Zealand knows someone who has harmed themselves or others with their drug use. The negative health impacts of many drugs, including tobacco and alcohol, are well understood. But rather than treating drug use as a criminal problem, we will have better outcomes if we treat drug use as a health problem. This means treatment, rehabilitation, and systems that let people use drugs more safely. People shouldn't have to be arrested or go to court before they can be connected to these services.

Unfortunately, progress on this is slow. In 1987 New Zealand opened the world's first government-funded needle exchange program for intravenous drug users. This program recognised that the threat of criminal penalties wasn't preventing everyone from using drugs, so we needed to address the harms that came from unsafe drug use practices like sharing needles.

But it took until two years ago for the government to finally introduce new laws making other, similar drug safety services legal. As a result, drug checking is now available in some cities, helping to prevent the harms that come from people taking drugs without knowing what they are or how strong they are. Following this success, there is a current campaign to open a drug overdose centre in Auckland so that people don't risk dying alone of

an overdose simply because they don't have a safe place to use drugs.

The mahi towards a health-based approach to drugs is ongoing. Most rehabilitation and treatment programs are drastically underfunded and are crying out for more support. Many people are only connected with treatment programs after they've entered the criminal justice system, or after they've become severely dependent.

This is not to mention the lack of action on problems like poverty and housing insecurity, which make people much more likely to use drugs in harmful ways. These issues are getting worse for a lot of people.

And of course, more than 1000 people every year are still given prison sentences for drug offences, and thousands more are left with a criminal record. The harms to individuals, their whānau, and their communities from this approach are often much worse than the harms from drugs. We need to stop locking people up, and start treating drug use as a health issue.

—

This article draws on a recent report from the NZ Drug Foundation. They offer a range of harm reduction information, tools and advice for people who use drugs and their whānau. If you would like to reach out to them you can contact them at:

**NZ Drug Foundation**
**265 Wakefield Street—Level 4**
**Wellington 6011**
**Aotearoa NZ**

*Tom is the parliamentary advocacy coordinator for People Against Prisons Aotearoa.*



# ART AND POETRY FROM THE INSIDE

## SOCIETY'S TRASH

Travis Wood

"Out of sight, out of mind" the old saying goes
Society's trash is taken out.
Put in a dump of concrete, bricks and razor wire,
Convicted souls in guilt-stained clothes.
Metal guarded bars to keep the evil in,
No one gives us a moment's thought
A sideways glance as they drive past the fortress,
On a sideroad outta town, next to the army grounds.
The people inside considered too horrible to comprehend.
But they don't know, it's our minds are the darkest places
Tear stained cheeks and freshly washed faces.
Some of us don't belong in these places...
Remand accused, not even found guilty, treated
Like livestock with 1 hr unlock.
It's easy to forget, outta sight, outta mind
Warehoused in a concrete, brick and razor-wired hell.

## Untitled

Travis Wood

My fingernails are almost gone
I've chewed them all away
Fear, panic and anxiety controls me everyday,
My head goes through some ups and downs, I know it's
time to open up and share.
Sitting in this tiny cell—it all becomes so clear...
I'm an addict in recovery, but I'm still living in fear.
The panic attacks still have full control like they do every day—
I'm praying that they'll go.
Sometimes I get so down and low...
as I deal with the stuff that no one else knows.
I'm unsure how long the psychosis will last—or if it'll ever go away.
I'm just happy to wake up clean and sober every day.