

Moana Jackson was the most articulate, original and forceful intellectual of his generation

The lawyer, teacher and activist was without equal. New Zealand is so much poorer for his passing, but so much richer for his life



Leading Māori lawyer and academic Moana Jackson, who helped draft the United Nations declaration on the rights of Indigenous peoples, has died.

Morgan Godfery
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It seems fitting that Wellingtonians woke to an eerie morning, mist clinging to the hills and harbour, as news broke that Moana Jackson, who spent so much of his life in Wellington's Wainuiōmata, had died. The lawyer, teacher, activist, father and grandfather was the most articulate, original and forceful intellectual of his generation. He was, too, perhaps the humblest, and so flattery is ill-fitting on a man who gave so much without ever asking for anything in return. But the acknowledgment must stand: Moana Jackson was a rangatira (chief) of the highest rank and his contribution to New Zealand's political and intellectual life are without equal.

That is not to imply, though, that his contributions came without a cost. In 1988, after publishing *He Whaipanga Hou*, a landmark report establishing that the criminal justice system was racist, Matua Moana was the target of the very worst letter writers to the national newspapers and the most vicious callers to talkback radio. And yet he never took a back step. In the following decades he would argue

again and again that the criminal justice system is racist, colonisation is responsible, and that the best means of restoring the mana of victims, offenders and the people who administer the system is tikanga.

In short, a *Māori* legal system.

At the time, this was radical. But 34 years later and that argument is orthodox. It's a mark of Matua Moana's vision that he could diagnose mass incarceration before we had the vocabulary to describe it. He Whaipaanga Hou didn't compromise in its argument that without systemic change Māori would continue to suffer discrimination and disproportionate consequences in the criminal justice system. Today, Māori make up more than 50% of the prison population despite making up only 15% of the population as a whole – a terrifying vindication of that very argument.

It's a mark of Matua Moana's courage that, after correctly diagnosing the problem and predicting how it would unfold, he was willing to offer an uncompromising treatment. A separate Māori legal system. The data and the times would eventually catch up with Matua – it's rare to find an intellectual or politician who would disagree that colonisation is responsible for disproportionate Māori incarceration rates – but in the 1980s, when Māori were condemned as inherently violent (a "warrior race") this was scandalous. Who is this Jackson fellow? Who is this "radical"?

I remember the first time I heard Matua speak in person. It was in 2014 at Victoria University of Wellington's law school – Matua Moana's own alma mater and the school whose students he gave so much to. His topic was Te Tiriti o Waitangi, with an abstract promising a tour of the history and context of that document. Yet Jackson opened with an apology. He had promised his moko (grandchild) that he would make it home in time for afternoon tea. He was sorry if, at a moment's notice, he had to cut his lecture short. And then, over the next almost two hours, Matua went for it. He exposed the doctrine of discovery for the "legal fiction" that it was, taking us students through a tour of everything from the role of the papal bulls in imperial expansion to the hypocrisies of Captain Cook's first voyage.

But what I cherish from that lecture was how Matua Moana brought it to a close. It wasn't just a lesson in legal history. It was a story of what was important to him. He told us that, after speaking to themes so traumatic for so many, that he was going home to butter sandwiches and pretend to pour cups of tea for his moko. Today, it's comforting to imagine that scene. But for his mokopuna (grandchildren) today and the days that follow are devastating. They shared their koro (grandfather) with all Māori. That is a testament to the kindness and generosity of his whānau, a quality their koro was the embodiment of.

Intellectuals often mark their reputations on the quality of their thought. But they're not well known for the clarity of their expression. But it's impossible to eulogise Matua Moana without remarking upon that soft, smooth voice. The wordiest intellectuals speak in paragraphs. Matua Moana spoke in melodies. "From the moment that the ancestors began to know this land as the Mother, Papatūānuku, stories have had the capacity to guide and teach as well as entertain or warn," wrote Matua Moana in 2020. Stories were a vital part of his intellectual breakthroughs. He

was keen reader of every different storytelling form from novels to essays to poetry. In 2004, when he was arguing for “tupuna title”, a new way to imagine our rights and responsibilities in respect of land, Matua would often draw on the ancient stories of how our ancestors cared for this country.

Ka mua, ka muri. “We walk backwards into the future.”

It’s impossible to construct a CV for Matua Moana. He simply did too much. He was a co-founder of Māori Legal Service. He was a judge on the Peoples’ International Tribunal in 1993 and again in Canada in 1995. He led the working group tasked with drafting the United Nations declaration on the rights of Indigenous peoples. In 2016, in what was perhaps the culmination of a lifetime of activism, he led the working group that published “Matike Mai,” a blueprint for constitutional transformation in New Zealand. I suspect this kind of praise might embarrass Matua, but it seems remiss not to list his achievements and acknowledge his contribution to Indigenous peoples across the world.

I heard Matua Moana speak many times after that lecture in 2014. We both spoke at the 50th anniversary of Hart – Halt All Racist Tours – and he spoke to our trade union leaders and members many times. He would often remind us that one of the only Pākehā institutions that his own Koro was fond of was the trade unions. Radicalism ran in the family. Yet my memories of him remain more personal than intellectual. When we met he was always far keener to talk about what I thought than what he had said. In every interaction – in every speech, lecture and essay – he was always searching for ways to uplift the mana of others. This is another mark of a rangatira of the highest rank.

Today, Hinepūkohurangi, the mist maiden who cloaks the Urewera Valley, is travelling down the spine of the North Island helping announce Matua Moana’s passing in Ngāti Porou, Ngāti Kahungunu and Wellington. Jackson lays in Te Waimana under the protection of Te Maunga and Hinepūkohurangi. Tomorrow, he travels home to his marae. On that journey his whānau will carry one of the greatest legacies ever left to Māori society. But it is very much a legacy that belongs to his family first and foremost, to his iwi and hapū and community second, and only to the rest of us third. This country is so much poorer for his passing, but so much richer for his life.

- *The te reo Māori term “Matua” is a respectful form of address for a leader*