



# Lecture 1: Treaty and Method

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## Purpose of lecture series



- Helping policy makers put the Treaty into practice

- Demystifying Treaty interpretation

- Affirming current policy practices – the self-organising approach

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## Key terms

### Autochthony

- sprung or derived from the soil, or native (but not indigenous)

### Hermeneutics

- the theory of interpretation

### Phronesis

- common-sense application of principles

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## 3 British Racial Systems

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**Native protection**

**Assimilation**

**Indirect rule**

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## Indigenous reaction post World War II

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- Development of universal human rights
- Decolonisation
- Revival of “humanitarian” assimilation policy
- Assertion of indigenous rights

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## The Whig Fallacy and the evils of “Presentism”

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- Historical determinism applied to Treaty interpretation
- Appropriating the past for a current purpose
- Historical “creationism”

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## Conclusion

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- The Treaty is interpreted by the day-to-day application of it – doing is knowing
- Good constitutional practice is self-organising (not determined by outside interventions)

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## Lecture themes

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1. **14 April - Treaty and Method:-** New Zealand's Treaty Constitution and the Interpretation of the Treaty of Waitangi
2. **24 May - Oh, Canada:-** Minority Nationalisms in New Zealand and Canada
3. **7 July - The Subtle Science:-** The Hermeneutics of the Treaty of Waitangi

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## Next lecture: **Oh, Canada**

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- A solar-system of states, powers and peoples: 2 settler nations and 3 first nations
- Two sets of minority nationalisms
- Similarities and differences to NZ – e.g. French Canadians, First Nations and Maori
- Importance of convention in bridging disagreements where language fails