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## **Law and Temporality as Expressed in the Transition Between Colonial and Postcolonial New Zealand**

In the era of globalization in the Western world the past becomes a luxury that delays our ability to act in the present, and yet history, which involves some notion of ideological difference, is a necessary to our understanding of a relationship with one-another that is bounded by and not superseded by time. Between our material world and the future we have only a precarious body of social codes originating in feudal England which dictate the way in which society is held together, and that regulates who does what with what to whom and when.

If the aim of globalisation is presentism, globalisation is also thereby anti-historical. Globalisation is not anti-historical in the sense of comprising purified narratives adrift from a chronological index such as those of a-historical indigenous myth-making, but rather in the sense that the endless replication of consumption signals history's eclipse, in which the world is left with one prevailing ideology. This is characterized as Jonathan Lamb has put it by, "[t]he intense moment of consumption or of incorporation-an instant of pure taste, as it were, endlessly repeated." There is a sense in which such a system marks the 'end of history' as Francis Fukuyama has suggested.

However, this intention of legitimation can be modified and extended into writing about colonialism, in which the post-colonial interpretation of legal sources from the colonial era and the colonial writing from the past exist side-by-side. From the position of the present there is the problem of gaining any degree of historical accuracy except through an examination of politico-legal commentary and this understandably may not necessarily delineate the cultural 'thickness' or complexity of social relations within nationhoods, to use Clifford Geertz's term. Is the present day the only fit topic for discussion? This must involve the recognition that the present is in some way constituted by the past. Or does reinterpreting the past through postcolonial eyes, reinvent it, in the manner of propaganda? Can we look at the past without also reinventing it from the perspective of the present? What is the role of law-making in this process of historicisation?

In the search for historical accuracy an authentic past may not be retrievable. While we talk in the present the meaning of what we have discussed is constituted in the past. Can we go back into our pasts and reinvent and reconstitute our present, as postmodernism would suggest? Or do we thereby fill our present with ghosts of poststructuralist fracture? Only if we have the luxury of owning our past can we avoid the methodological cacophony of modernist alienation. This kind of temporal preoccupation, the way the capitalist present has always been employed to push others into the past and the corresponding resistances to this have characterised strategies in domination and resistance ever since the conception of colonisation, they are part of its methodological fabric.

This paper intends to trace the perception of time as expressed in law making concerning The Treaty of Waitangi and related legislature in New Zealand from its colonial conception to the present day in the era of globalisation. I argue that the influence of modernity has seen an accelerated conception of constitutional lawmaking which signifies in New Zealand the adoption of the indigenous into the

same temporal framework as the coloniser at the same time as it re-inscribes political domination in terms of space.