

CONCEPTS AND SITES OF POWER¹ - edited by Anahera Herbert Graves



The [Westminster constitutional system](#) developed in the particular cultural circumstances of England. Its hierarchical structure, headed by the [Crown or sovereign](#), grew out of the historical tensions between the monarchs and those deemed to be below or in opposition to them.

It is a distinct artefact that over the centuries has sought to accommodate the long-disputed interests of the nobility, the Church and the “lower classes” while preserving the notion of individual property rights. Its concept of power became known as [sovereignty](#) which was exercised in a site of power known as [Parliament](#).

Although sovereignty is generally understood as an English or Westminster construct, it was first defined in France by the political philosopher, [Jean Bodin](#), in 1569.

Bodin’s [view of sovereignty](#) was essentially based in a belief that it marked a hierarchy of progress from societies of “apolitical barbarism” (such as those of the recently “discovered” Indigenous Peoples in the Americas) to those countries in Europe with a “civilised” constitutional order. It presumed that proper political power could only exist once “man ... purged himself of troubling passions” and moved up “the great chain of being ... and its hierarchical order.”

Once a people became “civilised” they attained the reason to vest power in a sovereign, “a single ruler on whom the effectiveness of all the rest depends.” Sovereignty was thus the “most high ... and perpetual power over the citizens”, and it was that power “to which after immortal God we owe all things.”

The site of that power throughout Europe was the monarch, or alternatively the “[monarch in Parliament](#)”, which had absolute authority and dominion over the land and its peoples. It was that culturally defined notion of constitutional authority which the Crown brought to Aotearoa after 1840.

Yet other nations also developed their own quite different concepts and sites of power within their own distinct cultures. For example the [Haudenosaunee Confederacy](#) is made up of six different nations who came together in territories that now stretch from Upper New York State to Southern Quebec.

Constitutionalism in their cultural context is about making joint decisions in accordance with their concept of power known as the “[Kaswentha](#)” or Great Peace. It does not presume dominion over the land, but rather acknowledges the need to live with it. The earth is the Mother, and all human authority ultimately derives from her.

The Haudenosaunee site of power was a “[long house](#)” within which decisions were made to maintain what the current Faith Keeper of Haudenosaunee, [Oren Lyons](#), has called “the good relationship between humans and the universe.” It was an institution based upon a relational ideal of constitutionalism.

Every indigenous nation developed similarly distinct concepts and sites of power consistent with their view of the world.

Next week we will consider the Māori concept and site of power.

¹ Edited extract from pp. 32 – 33 of He Whakaaro Here Whakaumu Mō Aotearoa – The Report of Matike Mai Aotearoa – The Independent Working Group on Constitutional Transformation.