## Contents

	Acknowledgments	vii
	Foreword	viii
Int	roduction	1
1	Māori and criminality	12
	A Criminality and causes of offending 12	
	B Apprehension and prosecution 20	
	C Parole 23	
	D Mental health 25	
2	Māori and tikanga	33
	A Who are Māori? 33	
	B What is tikanga Māori? 35	
	C Tikanga Māori and disputes 37	
	D Tikanga Māori and women 45	
	E Tikanga Māori and mental health 49	
	F Tikanga Māori in context 50	
3	Māori and current criminal justice initiatives	57
	A Current legal provisions, practices and policies - New Zealand 58	
	B Programmes 66	
	C Specialist courts and the New Zealand judicial system 75	
4	Constitutional frameworks the Treaty of Weitangi	100
4	Constitutional frameworks - the Treaty of Waitangi	100
	A Introduction of European law 100	
	B Treaty of Waitangi 116 C Status in law 127	
	G Status in tale 127	

5	Constitutional frameworks – the United Nations		
	Declaration on the Rights of Indigenous Peoples	135	
	A Background 135		
	B Indigenous peoples – Indigenous rights 136		
	C Can the principles of the Treaty be used as an aid to clarify and import the		
	rights contained in the UN Declaration on the Rights of Indigenous		
	Peoples? 146		
	D Self-determination 150		
6	Initiatives in comparative jurisdictions	160	
	A Constitutional recognition of Indigenous rights 160		
	B Criminality statistics 169		
	C Canada 173		
	D Australia 183		
	E United States of America 202		
	F Comparative jurisdiction conclusion 209		
	G A model for Māori? 211		
7	Tikanga Māori and therapeutic jurisprudence	212	
	A What is therapeutic jurisprudence? 212		
	B Can therapeutic jurisprudence be effective for a Domestic Violence Court?		
	Towards a tikanga Māori model 221		
	C An Indigenous re-entry court for Māori? 234		
8	A new vision	237	
	A Social statistics - a catalyst 237		
	B Equality 240		
	C Māori Land Court: an extension of jurisdiction or a Tikanga Court? 242		
	D Specialist 'Tikanga Māori' Court 249		
	E Conclusion 252		
	Glossary	255	
	References	257	
	Index	288	