

acted before him/her. Legal rights and obligations are fruits of the system gone bad by ignorance and mis-handling along the way. The charge, as a legal abstraction of his/her behaviour, often bears no resemblance to the mind-picture of the events in real life. The language is foreign officialese, spoken in ritualised English to tantalise the intellectual vanity of officialdom. Communication between the Maori defendant and law enforcement, or the legal profession or members of the judiciary is in similar manner.

It is trite to claim that because the Maori is English speaking, that he/she should know what is being talked about in Court or what is being said during Police interrogation. It is unusual for the Maori defendant to ask for the meaning of concepts used in the Courts. A sentence or word is repeated on request but rarely does the Maori defendant ask for the meaning of the words used, to be explained. For instance, what is the real meaning of the plea of "not guilty"? Does it mean — "I did not do it" or "Yes, I did it, but you prove it". There may be a whole prison sentence between the two.

MACHO MAN

Rather than have his/her ignorance displayed in public, the Maori will pretend to know, to understand and to agree. He/she will, out of sheer ignorance of the implications of the situation, agree with what is being said in an effort to get the whole business over and done with. In the interrogation situation, the young Maori is apt to act with incredibly foolish bravado in the best macho style, without regard to the ramifications of his statements or the seriousness of his boasts. He is then trapped by his own pride because he fatalistically plays out his hand. Tragically play-acting a toughness all the way to Court or prison. A shrewd and unscrupulous interrogator can easily capitalise on such foolishness. It doesn't make for justice, but then heavy case loads aren't concerned with justice — only clearance of cases.

The conflict between Maori customary practice in response to authority figures and the official perception of fairness in law, is illustrated in the time-honoured caution administered under the Judges Rules. The police manual is clear, unequivocal and without any con-

fusion about the reason or intent in the giving of the caution. Indeed, many Police personnel are meticulous in its presentation, thus:

"Do you wish to say anything in answer to the charge. You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

The statement itself, calls for fairly sophisticated reasoning to fully comprehend. Imagine how much more so, on first hearing it, while under stress of interrogation or frustration from being unable to communicate or comprehend properly what the whole situation is about.

First of all the authority figure (police officer) tells him he is charged with an offence. Then asks him if he wants to say anything. Then carries on to say that there is no obligation to say anything but if he wants to he can but if he does, someone will write down what he says and do something with it. The police officer may or may not ask more questions after giving the caution.

If questioning continues, there is a very real risk that the Maori will agree with what is being alleged simply for the sake of agreeing. The conditioning from Maori customary practice is extremely powerful in directing the person to answer questions asked by authority figures. Very often replies will be what he/she thinks the questioner wants to hear. Indeed, the uninitiated in Maori customary practice run serious risks in misinterpreting behaviour and responses when interviewing Maoris. If you don't expect an answer, then why ask?

The other reaction is to psychologically withdraw entirely from the situation. To outsiders this could appear as sullen and insolent silence. In fact, the surface calm may hide inner turmoil from a feeling of hopeless frustration and helplessness in the face of seemingly impenetrable officialdom. By the time he/she appears in Court, the insidious workings of a fatalistic approach to life has pretty well taken over.

ACROSS THE LINES

A much more destructive influence is the way Maori youth and law enforcement authorities perceive each other. As members of the wider community, both the police and traffic officer (lawyers and

judiciary too) bring their own life experiences and prejudices with them to the job. How well they can reconcile the ideals of their job with their own views of the world is a matter of individual conscience. How well they are trained to recognise their own stereotyped views of ethnic minorities is a matter of professional ethics and public conscience. When negative perceptions are displayed by inferential reporting in the mass media by quoting "statistics" as discussed earlier, and through showing sensational films of police-youth violence, then it becomes a matter for public concern.

Maori youth learn about police and traffic officers in like manner. Not only is the image of hostile authority nurtured in peer group loyalties but also fostered through television stereotypes of "cops and youth" and sensational photographs in newspapers. Their perceptions of police and traffic officers are supported also by their experiences with a small proportion of law enforcement personnel. One incident can spread like a pox and destroy all the good work and trust that has been built up between young people and the law in their community.

HARASSMENT

Thus we have Maori youths and even adults bitterly upset at being hassled by law enforcement people through random name and address checks on the street or by having to turn out their pockets or being quizzed and disbelieved when carrying an expensive radio-cassette player in public or being told to "move on" on a semi-deserted footpath or being "jostled" in a pub inspection and in innumerable other demeaning encounters with authority. For traffic relations, the bitterest complaints come from the young whose cars have been stopped and searched and beer tipped down the drain. And being repeatedly stopped for trivial "offences" written out in "warnings". Eventually the scene becomes ugly and often verbally or physically violent. It does not matter much whether the car is old or new. If old, the vehicle is repeatedly stopped for "mechanical" checks. If new, then continual checks and thinly disguised accusations of car conversion, followed by a barrage of questions and proof as to ownership, insurance, car salesman, what sort of job and amount of money and so