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Announcements

Victoria University of Wellington Student and Alumni Sub-Series Part 2: Women and the Law

Women and the Law is the second in 2020 of several issues of the Student/Alumni Sub-Series of the Victoria University of Wellington Legal Research Paper Series.

The Student/Alumni Sub-Series was launched in 2015. It distributes a selection of Honours and Postgraduate papers from Victoria University of Wellington Law School. The sub-series includes both general and thematic issues.

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"'Fair is Foul and Foul is Fair': The Legality of the Scottish Witch Trials of the 1590s"

Victoria University of Wellington Legal Research Paper No. 5/2020

ISOBEL PEPPER, Victoria University of Wellington, Faculty of Law, Student/Alumni

This paper looks at the delegation of power between central and local authorities during the Scottish witch trials and examines whether this resulted in legitimate trials in accordance with the standards of the time (1590s). The central authorities delegated power under commissions of justiciary for local authorities to prosecute witchcraft cases in local ad hoc trials, without ensuring that these trials would allow a fair hearing and sentence. Local authorities were able to manipulate the system, by using torture in local pre-trial proceedings to secure commissions. Ultimately this paper finds that the dominance of local trials and the negligence of the central authorities led to trials that did not follow due process, and illegitimate and unjust results.

"Considering New Zealand's Lack of Partial Defences in Relation to Battered Women Who Kill Their Abusers"

ANNA MCTAGGART, Victoria University of Wellington, Faculty of Law, Student/Alumni

Women in New Zealand face high levels of intimate partner violence (IPV). However, when battered women kill their abusers, they are often not well-served by self-defence and few are able to argue the defence effectively. New Zealand has no partial defences, which leaves women stuck between the guilty-not-guilty binary of self-defence on the one hand and a possible murder conviction on the other. Although partial defences are not a perfect solution, they would provide battered women with more options. While there are several different partial defences which could be used in a New Zealand context, a specific IPV- based defence would be the most appropriate, as it could be designed from the ground up and avoid many of the flaws inherent in the other partial defences.

"The Circumstances as She Believed Them to Be: Asian Migrant Women and the Importance of Context in the Courtroom"

Victoria University of Wellington Legal Research Paper No. 7/2020

HANNAH PATTERSON, Victoria University of Wellington, Faculty of Law, Student/Alumni
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New Zealand courts are failing in their consideration and application of self-defence in situations where the defendant is an Asian migrant victim of IPV. Self-defence requires an assessment of the circumstances as the defendant believed them to be. Asian migrant women experience myriad forms of oppression that compound and intersect. They face distinctive barriers to leaving abuse that are not experienced by non-immigrant, Pākehā women. This paper argues that where the defendant is an Asian migrant IPV victim, a thorough understanding of the cultural factors and institutional inequity they face is crucial to a correct application of the law of self-defence. *R v Wang* is an example of the courts ignoring salient contextual factors and failing to understand the defendant's circumstance when considering self-defence. This paper considers the use of Battered Woman Syndrome (BWS) expert evidence and concludes that it provides a pyrrhic victory at best to Asian migrant defendants who are IPV victims. *R v Zhou* illustrates how BWS fails to accurately communicate the lived experiences of Asian migrant defendants to the court and risks further perpetuating racist stereotypes about Asian cultures and Asian migrant women.

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars. not legal writing teachers. A senior lecturer corresponds

approximately to a North American associate professor in rank.

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