



FACULTY OF HUMANITIES AND SOCIAL SCIENCES

VA'AOMANŪ PASIFIKA PACIFIC STUDIES PASI 402

**Special Topic: Pacific Jurisprudence: a study of custom and law in the Pacific
30 POINTS**

TRIMESTER 2 2015

Important dates

Trimester dates: 13 July to 15 November 2015

Teaching dates: 13 July to 16 October 2015

Mid-trimester break: 24 August to 6 September 2015

Last assessment item due: 16 October 2015

Withdrawal dates: Refer to www.victoria.ac.nz/students/study/withdrawals-refunds. If you cannot complete an assignment or sit a test or examination, refer to www.victoria.ac.nz/students/study/exams/aegrotats.

Class times and locations

Lectures: Wed and Thurs 10am– 11.50am, 6KP/102
(6 Kelburn Parade, Room 102.)

Tutorials: There are no additional tutorials for this course.

Names and contact details

Coordinator: Dr Sailau Suaalii-Sauni	Administrator: Melissa Fiu
Room 203, 6 Kelburn Parade	Room 101, 6 Kelburn Parade
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Office Hrs: immediately after class or by appointment.	Office Hrs: Mon to Fri 8.30am – 3.00pm

Communication of additional information

Any additional information or changes will be conveyed via class noticeboards located at 6 Kelburn Parade, Blackboard, and/or emails to students. You will automatically receive all Blackboard announcements as an email sent to your @myvuw.ac.nz email address. If you are not going to use this Victoria email address set up for you, we strongly encourage you to set a forward from the Victoria email system to the email address you do use.

Prescription

This course explores theories and philosophies of custom and law in the Pacific. It analyses the cultural and historical nuances of Pacific customs (such as "bride price" and the "ifoga") and related case law to reflect on whether there is such a thing as a "Pacific jurisprudence".

Course content

This is a lecture and seminar based course. This means that some topic areas will be taught in a lecture format while others expect students to engage in open and respectful class discussion chaired either by the course convenor or the students themselves. The course probes the following questions:

- What is law and how does it usually work in the Pacific?
- What is custom and how does it usually work in the Pacific?
- What is the relationship between law and custom in the Pacific?
- What is jurisprudence?
- Is there a common jurisprudence for the Pacific? If so, what does it look like? If not, why not?
- Why would a common jurisprudence for the Pacific be important?

The course examines the laws, customs and jurisprudence of four Pacific countries as case studies: (1) Aotearoa New Zealand, (2) Papua New Guinea, (3) Samoa, and (4) Palau, noting similarities and differences. The course introduces postcolonial, feminist, Marxist, critical legal and Foucauldian ideas as analytical tools to develop a deeper critical lens through which to assess key issues within and across the jurisprudence of these four Pacific countries.

Course learning objectives (CLOs)

Students who pass this course should be able to:

- 1 demonstrate sophisticated comprehension of key concepts, paradigms, goals and activities associated with the development of a Pacific jurisprudence.
- 2 utilise advanced theoretical analyses to explain the relationship between customs and laws in at least one Pacific nation state at different theoretical and practical levels.
- 3 demonstrate technical sophistication in his or her understanding of the similarities and differences between the customs and introduced laws of at least four different Pacific nation states.
- 4 participate effectively in group and individual work.
- 5 demonstrate basic knowledge of key literatures and debates surrounding the pros and cons of developing a Pacific jurisprudence.

Teaching format

The teaching format for the course is based on a combined lecture and seminar approach. This means that students are strongly encouraged to actively participate in and, where necessary lead, class discussions but that there are topic areas that will require the lecture format. Students are expected to read all the required readings. A recommended reading list is provided to help build student awareness of further thinking in key subject areas. The class hosting/chairing exercise is

expected to offer students the ability to develop personal confidence and gain experience in leading intellectual group discussion on a key topic in this course. Guest lectures are designed to give students the opportunity to engage with an expert from the different country case studies.

A week by week schedule of topic areas for coverage in the course is provided in appendix 1, together with list of readings per day per week. PASI 402 students have a heavier workload than PASI 302 students in line with the requirements of a 30 point BA(Hons) course.

Mandatory course requirements

In addition to achieving an overall pass mark of 50%, students must:

- obtain at least 40% for each assignment in order to demonstrate the achievement of all the CLOs of the course.
- attend at least 70% of all lectures and tutorials, so that they will have the opportunity to develop oral communication and teamwork skills in relation to hosting a guest lecture and chairing a class discussion.
- students must pass three out of the five KCQs (Key Concept & Question Sheets) which are based on the weekly readings, to ensure that they understand the key ideas on which tutorials and lectures are based.

Any student who is concerned that they have been (or might be) unable to meet any of the MCRs because of exceptional personal circumstances, should contact the course coordinator as soon as possible.

Please note that all your marked coursework for PASI 402 will need to be presented in a portfolio at the end of your Honours degree, for assessment by an external examiner. We recommend you keep copies of all your assignments for this purpose. All grades received for courses taken as part of the Honours programme, cannot be assumed to predict the final grade for the degree.

Workload

The expectations are that students will work 10 hours per point, therefore a 30 point course equates to 300 hours over the trimester. This includes scheduled contact time, individual or group study, and work on assessment tasks.

1 st Key Concept & Questions Sheet (KCQ1)	Approximately 16 hours
2 nd Key Concept & Questions Sheet (KCQ2)	Approximately 16 hours
3 rd Key Concept & Questions Sheet (KCQ3)	Approximately 16 hours
4 th Key Concept & Questions Sheet (KCQ4)	Approximately 16 hours
5 th Key Concept & Questions Sheet (KCQ5)	Approximately 16 hours
Hosting of a Guest Lecture (Providing Closing Remarks)	Approximately 16 hours
Chairing a class discussion	Approximately 16 hours
Annotated Bibliography (1500 words maximum, references included)	Approximately 56 hours
Oral Presentation on Essay Topic (20 minutes minimum)	Approximately 48 hours
Essay (4000 words maximum, references included)	Approximately 72 hours
Participation in 2 field trips	Approximately 8 hours

These are approximations only, and will shift based on the specific tasks each week.

Assessment

This course is 100% internally assessed.

Assessment items and workload per item		%	CLO(s)	Due date
1	1 st KCQ – 900 words	5%	1	24 July, 4pm
2	2 nd KCQ – 900 words	5%	1,2	31 July, 4pm
3	3 rd KCQ – 900 words	5%	1,2,3	7 Aug, 4pm
4	4 th KCQ – 900 words	5%	1,2,3	18 Sept, 4pm
5	5 th KCQ – 900 words	5%	1,2,3	2 Oct, 4pm
6	Hosting a Guest Lecture (making closing summary remarks) - approx. 10 minutes (students to choose one of the four lecture days to host; all hosting sessions are during class time)	5%	1,2,3,4	Aug 6, Aug 13 Aug 20 Sept 10
7	Annotated Bibliography – 1500 words (including references)	10%	1,2,3,5	Sept 4, 4pm
8	Chairing a class review discussion on country case studies (students who choose to review Aotearoa NZ & PNG will chair first, followed by those reviewing Samoa & Palau; all chairing sessions are during class time)	5%	1,2,3,4, 5	Sept 16 Sept 17
9	In class oral presentation on essay topic – between 20-30 minutes (all oral presentations are during class time)	15%	1-5	Oct 7 & 8
10	Written essay – 4000 words (including references)	40%	1,2,3,5	Oct 16, 4pm

To fulfil the annotated bibliography, in class oral presentation and essay requirements all students must schedule at least 6 one hour office hour appointments with the course coordinator. The schedule will be organised with students during Week 1.

Assessment information:

1. Key Concept & Question (KCQ) Sheets

This assignment comprises answering one or two key questions about a key concept associated with a designated topic and/or set reading within the course. There are 5 KCQ sheets in total. They are worth 5% each. All KCQ sheets will be posted on Blackboard by end of Week 1. Marking schedule is provided within each KCQ sheet.

2. Hosting a Guest Lecture

This assignment involves preparing and delivering an introduction for the guest lecturer or summary comments that closes the guest lecture. Introductory comments should include noting who the guest lecture is, relevant salutations and biographical information, their professional areas of expertise, any academic or research or government sector work relevant to the lecture topic,

and class interest in their work. Summary comments involve not only thanking the guest lecturer for his/her lecture and presenting the class gift, but also drawing key summary points from the guest lecture and connecting these to what the student has learnt in the course to date from course readings and seminar discussions. Students are encouraged to take into account Pacific cultural hospitality protocols where appropriate. Guidelines for hosting and the marking schedule will be posted on Blackboard.

3. Annotated Bibliography

This assignment requires compiling and writing brief annotations for 12 different academic sources relevant to the student's essay topic and a brief explanation of the search methodology employed to find the sources. The assignment must include the proposed essay topic and each annotation must note how the source may be of value to addressing that topic. All sources must be referenced fully using an accepted academic referencing style. A template with the format to be adopted for this assignment and the marking schedule will be posted on Blackboard.

4. Chairing a Class Review Session on Country Case Studies

This assignment involves preparing discussion activities and facilitating these activities in a way that generates full class discussion of key issues arising from the country case study in question. Students are to draw on course readings and information provided by the guest lecturer. Guidelines for chairing the review session and the marking schedule will be posted on Blackboard.

5. In Class Oral Presentation on Essay Topic

This assignment involves a brief explanation of the student's essay topic, including (but not limited to) an overview of the key issues to be explored within the proposed essay, key sources to be used and outline of information gathered thus far. Guidelines for the in class oral presentation and the marking schedule will be posted on Blackboard.

6. Essay

This assignment involves writing a 4000 word academic essay on a topic of relevance to the course and of interest to the student. Over the course of at least 6 scheduled office hour sessions the student will work together with the course coordinator to focus his or her essay topic and research search methodology. The marking schedule for this assignment will be posted on Blackboard.

Submission and return of work

Written assignments are not to be submitted in hardcopy, but in electronic format only. Electronic assignments are submitted as a MS Word file through Blackboard. How to name your file and instructions for uploading your electronic assignment can be found on Blackboard in the "Assignments" section. Your mark and marked assignment with feedback will be found on Blackboard in the same section or through your course coordinator.

Your grade and feedback comments for hosting, chairing and oral presentation assessments will also be entered on Blackboard within two weeks of the hosting, chairing and presentation.

Extensions and penalties

Extensions

Assignments submitted more than seven days after the due date or authorised extension will still be accepted in order to meet mandatory course requirements, but will not be marked. For more information about circumstances warranting extensions, refer to the section on extensions in the Victoria University Assessment Handbook.

Penalties

No penalty will be given for written work that does not meet the maximum word count, but a penalty of 1 mark per 500 words over the word count will be deducted. Late submissions for student assignments in all Samoan Studies and Pacific Studies undergraduate courses are subject to a penalty, except when accompanied by a medical certificate or evidence of other exceptional circumstances. The exact deduction will be calculated on the basis of one half mark per day late.

Field trip arrangements

There are two field trips for this course: (1) to the New Zealand Parliament in Wellington, on Wednesday, 24 September 2015; and (2) to the Wellington District Court on Thursday, 25 September. There is no cost to attend these field-trips. Both fieldtrip sites are within Wellington City. Students are to meet in the entrance foyer of the New Zealand Parliament and the District Court. The New Zealand Parliament Building is located on Molesworth Street, Wellington Central. The Wellington District Court main entrance is on Ballance Street, Wellington Central. All students are to participate in these two field-trips.

Set texts

A Student Notes Book is required and is available for purchase at Vic Books on Kelburn Parade (see www.vicbooks.co.nz – PASI302/402 Student Notes). All videos screened in lectures are required texts. Any handouts or readings given out in lectures or tutorials will be posted on Blackboard or placed on course reserve in the library.

Recommended reading

Recommended readings will be posted on Blackboard.

Class representative

The class representative provides a useful way to communicate feedback to the teaching staff during the course. A class representative will be selected at the first lecture of the course. Students may like to write the Class Rep's name and details in this box:

Class Rep name and contact details:

Student feedback

Student feedback on University courses may be found at www.cad.vuw.ac.nz/feedback/feedback_display.php.

You will have an opportunity to participate in the formal evaluation of this course. Formal and informal student feedback on PASI402 has resulted in improvements to the course. Previous cohort of students in this class expressed that the course encouraged them to think critically and stimulated their interest in learning more about Pacific jurisprudence. They felt comfortable asking questions of the lecturer, and appreciated use of guest lectures, real life case law examples, video materials and field-trips. Most students found that although "readings were great" there was "a bit too much to go through". Your lecturer has taken this feedback into account and has reduced the number of required readings from previous years.

Other important information

The information above is specific to this course. There is other important information that students must familiarise themselves with, including:

- Academic Integrity and Plagiarism: www.victoria.ac.nz/students/study/exams/integrity-plagiarism
- Aegrotats: www.victoria.ac.nz/students/study/exams/aegrotats
- Academic Progress: www.victoria.ac.nz/students/study/progress/academic-progress (including restrictions and non-engagement)
- Dates and deadlines: www.victoria.ac.nz/students/study/dates
- FHSS Student and Academic Services Office: www.victoria.ac.nz/fhss/student-admin
- Grades: www.victoria.ac.nz/students/study/progress/grades
- Resolving academic issues: www.victoria.ac.nz/about/governance/dvc-academic/publications
- Special passes: www.victoria.ac.nz/about/governance/dvc-academic/publications
- Statutes and policies including the Student Conduct Statute: www.victoria.ac.nz/about/governance/strategy
- Student support: www.victoria.ac.nz/students/support
- Students with disabilities: www.victoria.ac.nz/st_services/disability
- Student Charter: www.victoria.ac.nz/learning-teaching/learning-partnerships/student-charter
- Student Contract: www.victoria.ac.nz/study/apply-enrol/terms-conditions/student-contract
- Subject Librarians: <http://library.victoria.ac.nz/library-v2/find-your-subject-librarian>
- Turnitin: www.cad.vuw.ac.nz/wiki/index.php/Turnitin
- University structure: www.victoria.ac.nz/about/governance/structure
- Victoria graduate profile: www.victoria.ac.nz/learning-teaching/learning-partnerships/graduate-profile
- VUWSA: www.vuwsa.org.nz

Week by week timetable with allocated reading in Student Notes Book

Week/Day	Topic & Reading
Week One:	What is law and custom?
Day 1: Wed, July 15	What is law? What is law in the Pacific? 1). Harris, P. “Law and Society”, in <i>An Introduction to Law</i> , 6 th edition, 2002, Halsbury House, London: Butterworths Tolley, LexisNexis Group. Chapter 1, pp. 1-27. 2). Harris, P. “The Making of Legal Rules”, in <i>An Introduction to Law</i> , 6 th edition, 2002, Halsbury House, London: Butterworths Tolley, LexisNexis Group. Chapter 7, pp. 196-222.
Day 2: Thurs, July 16	What is custom? What is custom in the Pacific? 3). New Zealand Law Commission, “Understanding Custom Law”, in <i>Converging Currents: Custom and Human Rights in the Pacific</i> , Study Paper 17, 2006, Wellington: NZ Law Commission, Chapter 4, pp.41-59.
Week Two:	What is jurisprudence?
Day 3: Wed, July 22	What does jurisprudence mean in theory? 4). Simmonds, N.E., “Introduction”, in <i>Central Issues in Jurisprudence</i> , 3 rd edition, 2008, London: Sweet & Maxwell, pp.1-8. 5). Narokobi, B., “The Black Islands – Melanesia: Melanesian Jurisprudence”. In <i>Lo Bilong Yumi Yet: Law and Custom in Melanesia</i> . Crocombe, Ron and Roche, Paul (eds)., 1989, Suva, Fiji: The Melanesian Institute for Pastoral and Socio-Economic Service and the University of the South Pacific, Chapters 1&4, pp.3-16, 50-74. 6). Tui Atua, T.T. T.E., “Samoan Jurisprudence and the Samoan Lands and Titles Court: The perspective of a litigant”, in <i>Su’esu’e Manogi: In search of fragrance: Tui Atua Tupua Tamasese Ta’isi and the Samoan Indigenous Reference</i> . Suaalii-Sauni, T et al (eds)., 2009, Apia: National University of Samoa, Chapter 14, pp.153-172. 7). Lealofi, E., “Samoan Jurisprudence’: A Commentary””, in <i>Su’esu’e Manogi: In search of fragrance: Tui Atua Tupua Tamasese Ta’isi and the Samoan Indigenous Reference</i> . Suaalii-Sauni, T et al (eds)., 2009, Apia: National University of Samoa, Chapter 29, pp.340-346.
Day 4: Thurs, July 23	What does jurisprudence look like in practice in the Pacific? 8). New Zealand Law Commission, “A Pacific Jurisprudence”, in <i>Converging Currents: Custom and Human Rights in the Pacific</i> , Study Paper 17, 2006, Wellington: NZ Law Commission, Part 3, pp.147-166.
Week Three	The tensions and synergies between law and custom
Day 5: Wed, July 29	Examples of tensions and synergies between law and custom in the Pacific Revisit Week 1 & 2 Readings
Day 6: Thurs, July 30	How can a common jurisprudence for the Pacific cope, if at all, with the tensions? Revisit Week 1 & 2 readings
Week Four	Country Case-Studies: 1. Aotearoa/New Zealand
Day 7: Wed, Aug 5	What is Tikanga Maori (Maori custom or lore)? How does it sit within New Zealand law? 9). New Zealand Law Commission., “Māori custom law”, in <i>Māori Custom and Values in New Zealand Law</i> , 2001, Wellington: NZ Law Commission, Chapter 3, pp.15-59. 10). Mead, A.T.P., “Sacred Balance”. Unpublished paper for Global Biodiversity Assessment, Cultural and Spiritual Values of Biodiversity, United Nations Environment Programme (UNEP), Online at: http://www.ubcic.bc.ca/files/PDF/sacred.pdf . [Accessed 25 June 2013].

	11). Frame, A., “A few simple points about customary law and our legal system”. <i>Yearbook of New Zealand Jurisprudence</i> , Benton, R., (ed), 2010&2011, v13&14 (combined), Hamilton: University of Waikato, pp.20-28.
Day 8: Thurs, Aug 6	Guest Lecture: Prof Rawinia Higgins (TBC)(Student hosting) No set reading.
Week Five	Country Case-Studies: 2. PNG
Day 9: Wed, Aug 12	What is the relationship between PNG custom and PNG law? How is this relationship reflected in the jurisprudence of PNG today? 12). Revisit Narokobi reading (set for Week 2). 13). Munganaua, T., “Mambe Area, East Sepik Province”, in <i>Customary Law in Papua New Guinea: A Melanesian view</i> , Scaglione, R (ed), 1983, PNG: Law Reform Commission of Papua New Guinea, Monograph No. 2, pp.24-35.
Day 10: Thurs, Aug 13	Guest Lecture: Virgil Narokobi (Student hosting) No set readings.
Week Six	Country Case-Studies: 3. Samoa
Day 13: Tues, Aug 19	What is the relationship between Fa’asāmoa (Samoan custom or lore) and Samoa law? How is this relationship reflected in the jurisprudence of Samoa today? 14). Revisit Tui Atua reading (set for Week 2). 15). Suaalii-Sauni, T. “‘It’s in your bones!’: Samoan custom and discourses of certainty”, in <i>Yearbook of New Zealand Jurisprudence</i> . Benton, R. (ed), 2010&2011, v13&14 (combined), Hamilton: University of Waikato, pp.70-88. 16). Patu, F.S., et al. “Law and Custom”, in <i>Samoa’s Journey 1962-2012: Aspects of history</i> , Leasiolagi, M.M. et al (eds), 2012, Wellington: Victoria University Press, pp.18-43.
Day 12: Wed, Aug 20	Guest Lecture: Luamanuvao Assoc-Prof Winnie Laban (TBC)(Student hosting) No set readings.
Aug 24-Sept 6	MID-TRIMESTER BREAK
Week Seven	Country Case-Studies: 4. Palau
Day 13: Wed, Sept 9	What is the relationship between the customs or lore of Palau and Palau law? How is this relationship reflected in the jurisprudence of Palau today? 17). Yamase, Dennis K., “Organization of the Unified Judiciary of Palau”, in <i>Pacific Courts and Legal Systems</i> . Powles, Guy and Pulea, Mere (eds)., 1988, Suva, Fiji: University of the South Pacific in association with the Faculty of Law, Monash University. 1988. Chapter 49, pp.255-261. 18). Graham, T. and Idechong, N., “Reconciling customary and constitutional law: managing marine resources in Palau, Micronesia”, <i>Ocean and Coastal Management</i> , 1998, 40, pp.143-164.
Day 14: Thurs, Sept 10	Guest Lecture: TBC (Student hosting) No set readings.
Week Eight	Reflective Class Discussion on Country Case Studies
Day 15: Wed, Sept	Reflecting on the New Zealand/Aotearoa and PNG cases: Student chaired sessions

16	No set readings.
Day 16: Thurs, Sept 17	Reflecting on the Samoa and Palau cases: Student hosted/chaired sessions No set readings.
Week Nine	Fieldtrip to Parliament & District Court
Day 17: Wed, Sept 23	Fieldtrip to Parliament No set readings.
Day 18: Thurs, Sept 24	Fieldtrip to District Court No set readings.
Week Ten	Theoretical tools to help make sense of how law & custom operates in society
Day 19: Wed, Sept 30	Feminism, Marxism and Mohanty's 'Postcolonialism' 19). MacKinnon, C., "Feminism, Marxism, Method and the State: toward feminist jurisprudence", In <i>Feminist Legal Theory: Readings in law and gender</i> . Bartlett, K and Kennedy, R (eds)., 1991, Boulder: Westview Press., pp.181-200. 20). Zorn, J.G., "Issues in contemporary customary law: women and the law", in <i>Passage of Change: Law, Society and Governance in the Pacific</i> . Jowitt, Anita and Cain, Tess Newton (eds)., 2003, Canberra: Pandanus Books, Research School of Pacific and Asian Studies, The Australian National University, Chapter 6, pp.125-142. 21). Mohanty, C.T., "Under Western Eyes: Feminist Scholarship and Colonial Discourses". <i>Feminist Review</i> , 1988, 30 (Autumn), pp.65-88.
Day 20: Thurs, Oct 1	The 'Critical Legal Studies' and 'Foucauldian 'Governmentality'' lens 22). Matsuda, M.J., "Looking at the Bottom: Critical Legal Studies and Reparations", <i>Harvard CR-CL LR</i> , 1987, 22, pp.323-399. 23). Foucault, M. "Governmentality". In <i>The Foucault Effect: Studies in Governmentality, with two lectures by and an interview with Michel Foucault</i> . Burchell, G et al (eds)., 1991, London: Harvester Wheatsheaf, pp.87-104.
Week Eleven	Student Essay Topic-based Oral Presentations
Day 21: Wed, Oct 7	Student oral presentations on essay topic & class feedback
Day 22: Thurs, Oct 8	Student oral presentations on essay topic & class feedback
Week Twelve	Course Summation & Shared Lunch
Day 23: Wed, Oct 14	Course Summation
Day 24: Thurs, Oct 15	Shared Lunch
	ESSAYS DUE: 16 OCT: Study week & exam period: Oct 19 - Nov 15 2015 (NO EXAM FOR THIS COURSE)