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Announcements

Victoria University of Wellington announces the publication of *Weak Constitutionalism* (Routledge 2012) by Joel I. Colon-Rios, Senior Lecturer in Law. “This is a work that all of us will now have to take into account if we are interested in democratic interpretations of constitutionalism. The book is highly intelligent, and is powerfully argued.” – Andrew Arato, Dorothy Hart Hirshon Professor of Political and Social Theory, The New York School for Social Research, New York.

This issue abstracts *Weak Constitutionalism* and offers readers a copy of the first chapter for free download.

Susy Frankel
Professor of Law
Associate Dean of Research
Victoria University of Wellington

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Weak Constitutionalism: Democratic Legitimacy and the Question of Constituent Power, Chapter 1 (Routledge, 2012)

[Victoria University of Wellington Legal Research Paper No. 33/2012](#)

[JOEL I. COLÓN-RÍOS](#), Victoria University of Wellington - Faculty of Law

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This is the first chapter of *Weak Constitutionalism: Democratic Legitimacy and Constituent Power* (Routledge, 2012). It introduces the argument presented in the book and outlines the content of each chapter. The book argues that only a regime that provides an outlet for constituent power to manifest from time to time can ever come to enjoy democratic legitimacy. In so doing, it advances a democratic constitutional theory, one that combines a strong or participatory conception of democracy with a weak form of constitutionalism. The book engages with Anglo-American constitutional theory as well as examining the theory and practise of constituent power in different constitutional regimes (including Latin American countries) where constituent power has become an important part of the left's legal and political discourse.

["Simple, Fair, and Discretionary Administrative Law" !\[\]\(c50c8b7b2cc2cf9ff925edec0ee94c0d_img.jpg\)](#)

Victoria University of Wellington Law Review, Vol. 39, No. 99, 2008

[Victoria University of Wellington Legal Research Paper No. 34/2012](#)

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This article discusses the immense contribution Lord Cooke made to the development of administrative law in New Zealand. It focuses on his desire for simplicity, his pursuit of fairness and his acceptance of discretion. In particular, this article examines the different ways this tripartite set of themes manifest themselves in and throughout the orthodox tripartite grounds of judicial review in New Zealand.

["Essay: Family Law and Civil Union Partnerships - Status, Contract and Access to Symbols" !\[\]\(235bfe13ebf007ce2eea9e689707fac7_img.jpg\)](#)

Victoria University Wellington Law Review, Vol. 37, p. 183, 2006

[Arizona Legal Studies Discussion Paper No 06-24](#)

[Victoria University of Wellington Legal Research Paper No. 35/2012](#)

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This essay locates New Zealand's civil union legislation within the dynamic between status and contract that animates modern family law. Status concerns who we are; contract concerns the transactions we can enter. Because family law is concerned with affective relationships, it cannot apprehend people only as the atomised individuals anticipated by the modernist emphasis on contractual relations. Family law acknowledges the relevance to legal issues of messy issues of personality. Among the most complex and powerful aspects of personality with which the law concerns itself is love. Love affects who we are and law affects what love can be. Law provides and constrains the symbolic repertoire that helps organise the way we think about our affective relationships. The enactment of civil union legislation was an enormously positive step. However, by continuing to deny homosexuals the ability to marry, the New Zealand state persists in denying homosexuals a key part of the symbolic repertoire that is relevant to the way people in love can conceptualise their relationships. The transactions the state permits us to enter, particularly transactions that are expressions of love, affect the construction of our identities, illustrating once again the deep links that exist between who we are and the contracts we can enter.

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Solicitation of Abstracts

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 Judicial 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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