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## VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

["A Loving Excavation: Uncovering the Constitutional Culture of the Māori Demos"](#)



New Zealand Universities Law Review 25(4):820-843, October 2013

[Victoria University of Wellington Legal Research Paper Series Paper No. 13/2015](#)

[MAMARI STEPHENS](#), Victoria University of Wellington

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In 2000 Professor Alex Frame suggested that, rather than build the perfect edifice for the New Zealand constitution, we ought to engage in a scholarly process of ‘loving excavation’ in order to determine the critical values and institutions of our society for our present and future needs. Subsequently, Dr Matthew Palmer in 2007 identified pragmatism, egalitarianism, and authoritarianism as three major cultural values in New Zealand constitutionality. This article argues that there is also a distinctive and constantly evolving Māori constitutional culture with values directly relevant to the New Zealand constitution. This culture is discoverable by way of textual and linguistic evidence for 19th and 20th century Māori political practices. This paper presents some limited linguistic evidence about the certain highly prominent terms that have a notable presence in a set of constitutionally relevant Māori language texts derived from the Legal Māori Corpus, a large body of Māori language texts from between 1828 and 2009. Using such primary information and as further secondary research, this article identifies particular Māori attitudes as to how the exercise of civic decision-making ought to be carried out.

## ["Utu: Finding a Balance for the Legal Maori Dictionary"](#)

Victoria University of Wellington Law Review, Vol. 42, No. 2, pp. 201-219, 2011

[Victoria University of Wellington Legal Research Paper Series No. 14/2015](#)

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This article describes the authors' experience of attempting to confine the Maori word utu to a list of distinct, Western legal glosses. The article highlights the complexity involved in drafting a comprehensive legal dictionary entry for utu that achieves an appropriate balance between the traditional customary meanings and Western legal meanings. This examination provides insight into legal lexicography in contemporary New Zealand.

## ["Tame Kaka' Still? Maori Members, and the Use of Maori Language in the New Zealand Houses of Representatives"](#)

(2010) 14 Law, Text, Culture pp. 220-246

[Victoria University of Wellington Legal Research Paper No. 15/2015](#)

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As the 21st century advances, the Māori language (te reo Māori) has remained the primary language of the marae ātea, the bounded space usually positioned in front of the meeting house of a marae complex (Te Puni Kōkiri 2008: 31). Important language components of the rituals of encounter carried out on the marae ātea are also used for similar ritualistic purposes in the Parliamentary debating chamber. These shared language components have been able to survive, in Parliament, throughout 142 years of Māori representation. In fact it appears that the language used in both types of spaces has enabled the formation of an important linguistic and performative framework that has fostered the survival of Māori collective memory as well as Māori political participation.

## ["Taonga, Rights and Interests: Some Observations on the Framework of Protections for the Māori Language"](#)

Victoria University of Wellington Law Review, Vol. 42, No. 2, pp. 241-257, 2011

[Victoria University of Wellington Legal Research Paper No. 16/2015](#)

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In October 2010 the Waitangi Tribunal released the first chapter of its long-awaited report of the WAI 262 enquiry into indigenous flora and fauna and Māori intellectual property. This chapter focuses on aspects of the claim relating to the Māori language and critiques the development of Māori and Crown generated initiatives to protect and revitalise te reo Māori, including the Māori Language Strategy (Te Rautaki Reo Māori). The Tribunal argues that the Crown must ultimately become Māori speaking. Consideration of this report and the legal protections in place for the Māori language reveals a framework that is incoherent, and largely incapable of achieving the Tribunal's goal, or even of fully protecting what the Tribunal described as "a taonga of quite transcendent importance".

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## About this eJournal

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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