Announcements

Me he korokoro Tūī: Māori language and its use in the New Zealand Legal system: Papers by Māmari Stephens, Senior Lecturer, Victoria University of Wellington.

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Taonga, Rights and Interests: Some Observations on the Framework of Protections for the Māori Language

Mamari Stephens, Victoria University of Wellington

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.
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.

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.

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".

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), 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 Thirsk, 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.

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