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### **"E Toru ngā Tauira mo te Hononga ki te Māori ki te Pākehā mo te Umanga Taha Ture (Three Models of Interaction Between Māori Law and New Zealand State Law)"**

(2008) 39 VUWLR 487-496.

*Victoria University of Wellington Legal Research Paper No. 134*

**CARWYN JONES**, Victoria University of Wellington - Faculty of Law

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**Maori Abstract:** Ki te kōrero tātau mo ngā hononga tōtika i waenganui i te Karauna me te Māori, kei te kōrero kē tātau mo te pūmautanga kaha ki te Tiriti o Waitangi. Ahakoa he aha ngā tautohe, ngā whakamārama mo te wāhanga Māori, wāhanga Pākehā o te Tiriti e pā ana ki ngā kupu "kāwanatanga" me te "sovereignty" ko te tino rangatiratanga kia noho pūmau. Ko te tino pūtake o ēnei wāhanga e rua kia āhei ngā hiahia o ngā taha ē rua, kia noho tahi mai i runga i āna tikanga, ā, kia kaua tētahi e aukati i tētahi. I te mea hoki e kuhu atu ana ngā tokorua iwi nei, Māori, Pākehā ki te rapu i te ōranga tonutanga e tū tahi ai rāua tahi. E toru ngā tauira mo te hononga ki te Māori ki te Pākehā taha ture: Taha Ture Tapa Toru ka tāea ahakoa iti nei te hononga kātahi, te Taha Tangata Whenua Ture, ko ngā tikanga ka tau mai no roto ake i te tangata whenua, kā rua, me te Taha Rua Ture kia hāngaia he taha ture mai i ngā taha ē rua.

**English Abstract:** This article discusses relationships between the Crown and Māori that are framed by the Treaty of Waitangi. It is useful to conceptualise Crown- Māori relationship within this Treaty-based framework because, whatever the arguments about the textual differences between the English

and Māori texts and the exact meaning of “kāwanatanga” and “sovereignty” and “tino rangatiratanga” and “undisturbed possession”, it is clear that these are all significant concepts and that both parties would have been expecting some measure of self-determination, some ability to live their lives in accordance with their own norms and practices – in other words, to give expression to their own societal values through the maintenance of their own legal systems, even if the very fact of a treaty suggests that there may need to be compromises made, or at least protocols agreed for areas of common activity. This article examines three models that allow for varying degrees of interaction between Māori and Pakeha legal systems: legal pluralism, Aboriginal rights, and bicultural jurisprudence.

### "A Māori Constitutional Tradition"

(2014) 12 NZJPIL 187-203

*Victoria University of Wellington Legal Research Paper No. 135*

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This paper tentatively sketches the outline of what might be described as a Māori constitutional tradition. The paper describes some key aspects of Māori law and philosophy that influence the development of Māori constitutional thought and practice. It examines the role of key principles such as whanaungatanga, manaakitanga, mana, tapu and utu that underpin Māori law and constitutionalism. These principles set the foundation for Māori forms of social organisation, the responsibilities and accountabilities of leaders, and the exercise of legal and political power within Māori society.

### "Māori Law and Hart: A Brief Analysis"

*Victoria University of Wellington Legal Research Paper No. 136*

**MĀMARI STEPHENS**, Victoria University of Wellington

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This is an edited version of a seminar paper presented in the context of the LLB (Hons) programme. It provides a contemporary perspective of Māori law from the standpoint of HLA Hart's theory of the union of primary and secondary rules.

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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.

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