

# Māori Legal Theory

An Exercise in Self-Determination



# Key points

- The way we think about law matters
- Māori Legal Theory describes ways of thinking about law that are based on the experiences and philosophies of Māori communities
- The way we think about lore matters
- The way we think about tikanga matters



# Legal theory matters

- The nature of law is highly contested – culturally and politically
- Theories of law make claims about what specific laws and legal systems ought to aspire to
- Legal theories play a role in the generation of law
- The legal justification for Indigenous self-determination is sourced in Indigenous law



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- An Indigenous Legal Theory
  - see G Christie “Indigenous Legal Theory: Some Initial Considerations” in B Richardson, S Imai and K McNeil, eds., *Indigenous Peoples and the Law: Comparative and Critical Perspectives* (Oxford, Hart Publishing, 2009).
- Cultural grounding in values/principles that underlie tikanga
- Experiential grounding in the lives of Māori communities
- Te Tiriti o Waitangi
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# Self-determination

- Law and Tikanga
- Expressing Māori law
- Challenging state law
- Contributing to our understanding of the concept of law



# Summary

- It is vital that we articulate ways of thinking about law that derive from the philosophies and experiences of Māori communities, because...
- ...the ways we think about law and tikanga matter in the context of Indigenous self-determination

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