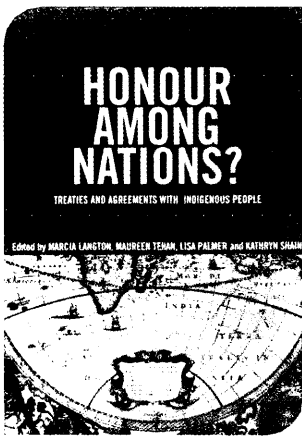


Reviews



Honour Among Nations? Treaties and Agreements with Indigenous People

by Marcia Langton,
Maureen Tehan, Lisa
Palmer, Kathryn Shain
(eds), Melbourne
University Press, June
2004, June 2004; pp354

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Honour Among Nations? Treaties and Agreements with Indigenous People

'Honour Among Nations' is a cross-disciplinary set of essays dealing with treaty and agreement making between Indigenous peoples and 'settler states'—including Australia, New Zealand, Canada and South Africa, whose colonial and expansionist pasts continue to have effects.

Many of the essays originated in papers given in a 2002 seminar series and have been revised, augmented by further commissioned papers, and packaged into a thematically cohesive collection of considerable interest.

The collection highlights many existing and developing forms of negotiation and agreement making. In Australia, these include various models developed under the *Native Title Act* regime, through to the idea of a treaty between the Australian government and the Aboriginal and Torres Strait Islander people.

Among the fascinations of the subject matter is the way in which varying colonial histories have influenced the modern negotiating positions of Indigenous people with respect to their land.

Under the *Native Title Act* regime, agreements must be based, at least in part, on understandings about the nature of legal rights attached to land. In this context, Noel Pearson argues that the decision of the High Court in the *Yorta Yorta* case¹ has, in the words of Justice Robert French, transformed the *Native Title Act* 'from a vessel for the development of the common law into a cage for its containment'.

While discussion of modern agreement making under the Australian *Native Title Act* regime

dominates the collection, there are good essays dealing with the position in other countries, including in New Zealand where the *Treaty of Waitangi* was entered in 1840 between representatives of the British Crown and a number of Maori chiefs. The Treaty was an exchange of promises under which, at least in the Maori version, the Crown promised to protect Maori tribal authority, lands and resource rights. The essay by Joe Williams provides Australian readers with an excellent introduction to the history and modern legal recognition of the Treaty.

Australians with an interest in Indigenous land rights sometimes seize on the existence of the Treaty as a key factor in what they perceive as the comparatively empowered position of Maori with respect to the recognition of land and other Indigenous rights. Why were no such treaties entered in Australia?

Marcia Langton notes that because of ideological, political, demographic and geographical considerations, it was more advantageous to regard Aboriginal peoples as unworthy of treaty like arrangements than to make commitments that might have become an obstacle to unfettered land appropriation.

A simpler explanation might be ventured—a 'Realpolitik' of relations between colonisers and Indigenous peoples. Given the consonant (and discredited) moral and ideological viewpoints of the colonisers, differences in outcome can be attributed to practical, power-based considerations.

For a significant period before and after 1840 the New Zealand colonial powers were vulnerable to the Maori, militarily and economically. They stayed on the sufferance of people who, for a time and in the context of

their own inter-tribal politics, could see advantage in allowing them to do so.² Such a position tended to highlight to colonial authorities the advantages of negotiation, rather than conflict.

In more recent times, the *Treaty of Waitangi* has come to have a central place in the fabric of New Zealand society despite the fact that it is unenforceable in itself. Modern recognition of the need for the Crown to act in a manner consistent with the Treaty also arose from the realities of power and politics—at base, the need to address an unsustainable level of grievance in a country with a relatively large Indigenous population.

While comprehensive recognition of Aboriginal rights in Australia is taking longer, failure to address these concerns is equally unsustainable. Ultimately, progress will be made, whether by small or large steps. As a Maori proverb quoted by Joe Williams says: 'Strive to make it to the distant horizon. And you will get to the closer one.'³

Honour Among Nations? is an electronic publication available as a d-book (digitally printed on demand) and as an e-book (downloadable PDF file, as a whole book or chapter by chapter). Further information is available at www.mup.unimelb.edu.au/ebooks/0-522-85132-0/index.html.

Endnotes

1. (2002) 194 ALR 538.
2. See eg J Belich, *Making Peoples: A History of the New Zealanders From Polynesian Settlement to the End of the Nineteenth Century*. The Penguin Press, (1996).
3. Ko te pae tawhiti whaia kia tata; Ko te pae tata whakamaua kia tina.

△ Bruce Alston

Between The Lines: A Legal Guide for Writers and Illustrators

This plain-English guide to the laws relating to copyright and intellectual property offers the reader far more than its title suggests.

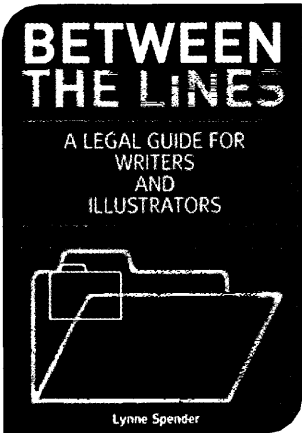
Commissioned by the Australian Society of Authors (ASA) in response to daily queries about legal issues from its members, *Between the Lines: A Legal Guide for Writers and Illustrators*, is the result of a remarkable collaboration between an eclectic group of creative agencies: the ASA, the Australian Copyright Council, the Arts Law Centre, The Australian Press Council, the Media Entertainment & Arts Alliance (MEA) and the Authors Guild.

This is a well designed, well written and comprehensive resource for all professional writers including lawyers, journalists, and academics. There are chapters on copyright, defamation, contracts and ethics. Examples of the latter are pseudonyms and literary identities (think *The Bride Stripped Bare by Anonymus*, aka Nikki Gemmell) and literary hoaxes such as the Darvill/Demidenko debacle.

Writer Lynne Spender's style is upbeat and witty and the thoughtful narrative is interspersed with real life scenarios and case studies including *Gutnick v Dow Jones*, Australia's first Internet defamation case that was decided in the High Court in 2002. Even expert practitioners of this area of the law may be surprised by some of Spender's light-hearted nuggets of information. For instance, did you know that the majority of Australia's defamation actions are brought not by egocentric celebrities but by thin-skinned politicians?

A chapter entitled 'The Politics of Authorship' takes a timely look at how digital technology is challenging the traditional practice of print publishing and copyright law. Arguing for a shift in attitude by both writers and publishers, it concludes: 'Unless copyright law is made more relevant to contemporary creators and users and transformed from its current Byzantine detail into a simpler regime that accommodates innovation and encourages compliance, it will continue to be challenged and even bypassed.'

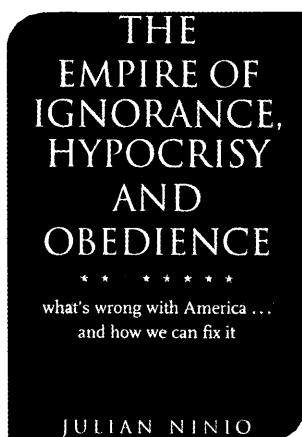
△ Susannah Hayward



Between the Lines: A Legal Guide for Writers and Illustrators

by Lynne Spender,
Keesing Press, July
2004; pp 272

\$38.50



The Empire of Ignorance, Hypocrisy and Obedience: What's Wrong with America and How We Can Fix it.

by Julian Nino, Scribe Publications, May 2004
pp 336;

\$30.00

The Empire of Ignorance, Hypocrisy and Obedience: What's Wrong with America and How We Can Fix It.

The tagline for the 'Empire of Ignorance' is 'America—love it or leave it. Or learn how to fix it'. In this book, Julian Nino sets out to provide a plan of action for 'citizens of the world' to remedy the ills of America and the wider world.

The book is structured as three parts. The first, 'Symptoms', outlines Nino's view of America's problems. It focuses particularly on the gap Nino perceives between America's self-image and its reality. Nino cites a range of symptoms of America's 'disease', including 'urban poverty, a defective political system, brutal foreign policies, deadly International Monetary Fund packages, a dishonest press, consumerism [and] overflowing jails'.

The middle part, 'Diagnosis', suggests a range of causes for these symptoms. Nino argues that problems as diverse as global warming, urban poverty, pre-emptive wars and globalisation stem from a number of root causes. Together, Nino refers to these causes as the IHO syndrome—ignorance, hypocrisy and obedience syndrome. The final part of the book, 'Treatment', describes Nino's suggestions for how individuals can work to treat IHO syndrome and achieve large-scale change.

For less-informed readers, the *Empire of Ignorance* may be a wake-up call to some of the arguably problematic ways in which America has dealt with other nations. For example, Nino provides a damning indictment of America's foreign policy, particularly in relation to Nicaragua, Vietnam, Grenada, Chile and of course, Cuba, which many may find eye-opening.

Nino has pitched the book at such readers, and for them the practical action he outlines to address the problems with American domestic and foreign policy may be edifying. His goal of laying down ways in which the general populace can work to solve these problems is admirable.

However, from an academic perspective, *Empire of Ignorance* is a somewhat frustrating read. Although Nino apologises for any factual errors from the outset, the deficiencies in his methodology will irk many academic readers. He does not outline any clear, theoretical

framework for the book, nor provide a defined approach to assessing the material on which he relies ('I quote sources I find reasonable'). This, in addition to the relative lack of references to scholarly sources, undermines some of the book's assertions of historical fact—of which there are many.

It is difficult to read Nino's work without recalling Michael Moore. Nino's style is similar, and some of his views of American involvement in other nations are probably in close accord with Moore's. For those sympathetic to this approach to American policy, *Empire of Ignorance* will likely be a stimulating, interesting text.

There is certainly a place for this kind of book, and if it does lead some people to question their assumptions about American policies and to seek more information, then it will have achieved at least part of its goal.

△ Imogen Goold

The Wine Drinker's Guide to the Vineyard

The title says it all—the purpose of Jackson's book is to provide the obsessed, the passionate, the enthusiastic devotee of wine with an understanding of some of the challenges faced in the vineyard and how their management can affect the wine in the glass.

The book is introduced with a useful revision, for those readers who have undertaken short wine tasting courses, on taste, aroma and colour of wines. It then discusses the elements in the vineyard that will influence wine quality.

Wine drinkers will find the chapter on climate of particular interest. There is much discussion these days in wine circles about 'cool climate' wines versus those wines produced from warmer climes. Jackson gives a helpful comparison of cool and warm climate wines. For example, explaining the effect of warmer climates on sugar levels in the berries and the related effect on acidity. Despite the current 'buzz' about cool climate wines in Australia, Jackson points out that neither warm or cool climate wines are necessarily better than the other—it is, of course, a matter of personal choice.

The book gets down to earth—other variables in the vineyard up for discussion are soils, pests and diseases. How each of these can affect yield, ripeness, and flavours of the grape is well covered. Jackson then goes on in other chapters to explain the very significant effect the vineyard manager can have on wine quality. Leaf to fruit ratio is an important vineyard management concept. Pruning and training of vines (on trellises) are the key management tools. Jackson dedicates a chapter to this, but given there are many books solely dedicated to this topic, his treatment of this subject seems a little scant.

The reader is also required to revisit some high school science—remember photosynthesis? Thankfully, the relationship between leaf area, photosynthesis, sugars, acids and pH is explained in simple and easy to understand terms. The significance of this science as it relates to what the wine consumer tastes in the glass—which is what the book is about—is highlighted in several examples. Just one example—inadequate sunlight will result in low sugar levels in the grape, and this will result in

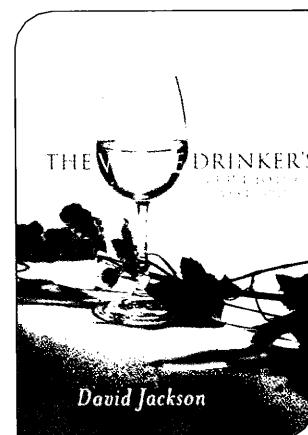
wine that lacks colour and body and nondescript flavour.

Part three of the book devotes a chapter to each of six wine experts. The professional lives of these six men are described, and are interesting in themselves, however, this section seems to sit strangely in the context of the book. As these experts work in different countries—England, Canada, Australia and New Zealand—it does bring an international flavour to the book. Still, this section of the book has a feeling of self-indulgence.

At the conclusion, Jackson makes some interesting comments on the future of the wine industry, canvassing issues such as genetic engineering, global warming, and organics. We are left with the strong impression that the wine industry is dynamic and has the capacity to respond to the scientific developments and environmental changes of the future.

The book is easy to read, has excellent colour photographs, clear diagrams and will enhance the reader's knowledge about wine. The organisation of the material could be improved, and the inclusion of the short biographies of six eminent men sits strangely. But overall, the book provides ample and approachable evidence to support the adage: 'A great wine begins on the vine.'

△Rosemary Adams



The Wine Drinker's Guide to the Vineyard

by David Jackson,
Dunmore Press (NZ),
distributed in Australia by
The Federation Press,
Feb 2004; pp 144

\$29.95