

Justice and Identity: Antipodean Practices

edited by Margaret Wilson and Anna Yeatman; Allen & Unwin 1995; 223 pp; \$29.95.

Is New Zealand a divided nation, polarised over issues of race, government and sovereignty, or is it one of the most interesting examples of a pluralist legal system in the post-colonial landscape, where imported and indigenous laws are recognised and co-exist?

The New Zealand Government's proposed settlement of Maori land claims has enlivened old tensions and generated new dilemmas, focusing attention on the compatibility of the traditional concepts of Anglocentric legal order with indigenous peoples claims on justice. In *Justice and Identity*, Wilson and Yeatman have brought together a number of authors to provide intellectual insight into the issues of race, sovereignty and justice in New Zealand.

This collection of essays developed out of a seminar series at the University of Waikato in 1993, which examined 'Justice, Biculturalism and the Politics of Difference', in response to the New Zealand Government's policy of institutionalised biculturalism. 'Biculturalism' in New Zealand is said to represent a kind of accommodation by the dominant white settlers to the Maori claims for justice, much as we speak of the 'reconciliation' process between Aborigines and non-Aborigines in Australia.

This policy of biculturalism made government departments and agencies more amenable to the political and so-

cial requirements of the Treaty of Waitangi, and the needs of the Maori peoples. In view of the University's commitment to the concept of partnership as an expression of the requirements of the Treaty, the School of Law and the Department of Women's Studies established a forum to respond meaningfully to the new claims on justice, and the dynamics of change, within the academic environment.

This book, flowing out of that forum, examines contemporary meanings of justice in relation to notions of biculturalism, democracy and the politics of identity and difference. It addresses these issues in the context of post-colonial assertion of rights by indigenous peoples, with particular emphasis on recent New Zealand experience.

The collection draws together challenging and innovative contributions ranging from strictly theoretical analyses, through to more personal reports which explore developments in history, and institutional culture and practices in New Zealand. The debate over the Australian High Court's Murray Islands decision, and Indian theories of post-colonial criticism are also addressed, giving some wider perspective to the New Zealand experience.

The editors are Margaret Wilson, a former President of the New Zealand Labour Party and Professor at Waikato Law School, and Anna Yeatman, a Pro-

fessor of Sociology and Founding Professor of Women's Studies at Waikato. At the core of the essays is the nature and effect of the Treaty of Waitangi, the 19th century agreement between the Maori Chiefs and the British Crown.

This sets the scene for New Zealand's unique bicultural, political and social development, and the context for the exploration of current ideas of sovereignty, governance, democracy, law and identity.

The constitutional recognition and status of the Treaty is discussed by Margaret Wilson, who argues that legal recognition of the constitutional status of the Treaty is necessary in order for Maori peoples to achieve reparative, social and political justice. She presents an excellent overview of the constitutional importance of the Treaty and the Maori claims to sovereignty. This is complemented by former Chief Judge Durie's examination of recognition of the Treaty and the role of indigenous laws within a dominant Anglocentric constitutional and legal system.

Anna Yeatman discusses questions of contemporary politics of justice and the concept of a 'sovereign self'. Iris Young and Andrew Sharp, both political philosophers, examine theoretical issues of deliberative democracy and biculturalism, respectively. Denise Henare and Brenda Tahi write of bicultural practices within government and the search for new solutions in order to meet Treaty obligations.

Robert Mahuta gives an excellent account of the Tainui tribe's struggle to reclaim lands confiscated in the 1860s, and the history and influence of the Tainui Maori Trust Board, which administers economic, social and tribal development programs.

The collection reflects the underlying difficulty for indigenous peoples in seeking to rely on judicial determinations in order to achieve justice and sovereignty; as Durie puts it, 'ultimate justice for indigenous people depends on political power-sharing through constitutional reform'.

This book is wide ranging and academic in its content. It will be of particular value to those interested in issues of post-colonial reconciliation with indigenous peoples, and more generally, the politics of law, and concepts of democracy and governance.

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