

school teachers, and, most recently, the efficacy of the medical advice given to Daniel Carter for his injured leg. Certainty about All Black excellence, and New Zealand's premiere position in the international game, is a thing of the past. Indeed, at the time of writing only one certainty can be noted — that the All Blacks are again peaking too soon for the next World Cup. The same surely can not be said of two-time cup holders Australia.

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Waitangi Revisited: Perspectives on the Treaty of Waitangi. Edited by Michael Belgrave, Merata Kawharu and David Williams. Oxford University Press, Melbourne, 2004. xxi, 402 pp. NZ price: \$65.00. ISBN 0-1955-8400-7.

THIS BOOK IS A VALUABLE UPDATE of the 1989 collection edited by Hugh Kawharu, not simply a revision but a new work. If the last 15 years have seen considerable development in legal and political approaches to the Treaty, the likely outcomes remain obscure. This timely volume sets out a variety of perspectives, beginning with Mason Durie's incisive survey of the issues. Various essays draw attention to topics of greater and lesser complexity, such as Mereta Kawharu's helpful discussion of social policy and Ann Williams's consideration of Maori in the parliamentary sphere. Tom Bennion's discussion of the foreshore and seabed is a subtle and informative exposition of the legal situation as it has evolved, and chapters on hapu and community perspectives are helpful case studies. One might note, however, that all the contributors are North Islanders and only one has even tenuous links with the south; perhaps Ngai Tahu might have contributed a useful reflection on post-settlement issues?

Some chapters are disappointing. Ranginui Walker, strangely, discusses tribal claims to fisheries without mentioning Ngai Tahu or Muriwhenua. This is like the Battle of Hastings without the Normans. Maui Solomon on the flora and fauna claim is more partisan than useful, and his portrayal of innate Maori environmental wisdom would be disputed by some. Since, moreover, Solomon informs us that the claim is also about 'Maori values', one might ask which Maori values? On homosexuality, for instance, the values of Archbishop Vercoe or the values of Witi Ihimaera? The issues around indigenous rights with respect to natural resources are too important to be treated simplistically, and the portrayal of a uniform 'Maori' perspective leaves hostages to fortune. Michael Belgrave's discussion of the Waitangi Tribunal's historiography is useful in its admonition that the Crown needs to be understood in a nuanced not a monolithic fashion. The term is a mystification, and not only in this context; we badly need to reflect on how we understand a democratic state that has particular obligations to or relationships with descendants of the first settlers. Allen Bartley and Paul Spoonley engage with the complexities of biculturalism and multiculturalism, noting that we have no official ideology of multiculturalism. Issues of identity in a multiethnic nation with an official ideology of unity rather than diversity and an assertive indigenous population need much further discussion and this chapter is a good start.

Paul McHugh writes a customarily excellent chapter on New Zealand's evolving constitutional arrangements. There is a good discussion of other issues in rights-talk: who has the rights over what and to do what? Who is representative? How is authority constituted? Paul McHugh is also the only contributor who, on the foreshore and seabed, asks the hard and fundamental question: 'how were Maori rights — whatever they were and whoever held them — to be balanced with those of the community at large?' (p.301). Andrew Sharp also confronts hard issues in a discussion of constitutionalism, noting three mutually incompatible forms: the legal orthodoxy of indivisible sovereignty, Maori or

Treaty constitutionalism (which invents a nationwide entity called Maori) and whakapapa (or iwi) constitutionalism which asserts that the rights inhere in kin-based groups. Maori constitutionalists 'put the Treaty at the absolute centre' (p.313) using religious language of covenant, and hold that the relationship is between Maori and Pakeha as well as, or instead of, Maori and the Crown. An explicit and salutary example is the Anglican Church, and the ideology relies on a good deal of mythmaking around the 1835 northern Declaration of Independence, by which an entity called Maori is held to have constituted or declared itself a nation. Jock Brookfield is likewise tough-minded. He is not shy about asserting that 'objective moral judgements may properly be made' (p.353) and there are at least limits to cultural relativism. At what point might outsiders step in and declare that 'custom' is wrong? He effectively disposes, too, of some of the more romantic and ill-conceived notions espoused by some legal scholars, including other contributors, about the 'validity' of 'tradition' and the persistence of autonomy. David Williams argues in a concluding chapter that legal pluralism and unique, Treaty-based, relationships have yet to emerge. The contrast between his views and those of Brookfield is most instructive. However, while a recitation of past wrongs may be essential in explaining how we got to the present, Williams does not offer much in the way of suggestion of how the desired legal pluralism might be developed.

While many of the contributions provide very useful and coherent expositions of their particular subjects, I think it is time for the more informed and frank debate which some chapters undertake. Terms are often deployed loosely in public discussion. What do we mean by *mana motuhake* or *tino rangatiratanga*? Durie identifies *tino rangatiratanga* on a pan-Maori basis as 'the right of Maori people to organise as whanau, communities, interest groups, and political parties' (p.10). This, however, is nothing other than what any group might expect in a pluralist and democratic society. Although Durie distinguishes between *iwi* rights and those of 'a more generic Maori community to seek control and authority through other means' (p.10) the real question in both cases is, control and authority over what; based on what; and exercised by whom? Taken as a whole this book provides much information and a considerable range of perspectives. Hopefully the discussion will continue with the necessary rigor.

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The Waitangi Tribunal: Te Roopu Whakamana i te Tiriti o Waitangi. Edited by Janine Hayward and Nicola R. Whéen. Bridget Williams Books, Wellington, 2004. 296 pp. NZ price: \$49.95. ISBN 1-877242-32-2.

THE WAITANGI TRIBUNAL, established in 1975 to hear Maori claims against the Crown under the Treaty of Waitangi, with its unique jurisdiction to investigate claims and make recommendations, lies at the heart of Treaty settlement processes. *The Waitangi Tribunal: Te Roopu Whakamana i te Tiriti o Waitangi* differs from other Treaty of Waitangi publications in that rather than focussing on a broad overview of the Treaty or subject-specific analysis, it concentrates on the Waitangi Tribunal, outlining the history of the Tribunal; reports on lands, fisheries, the environment and commerce; process, evidence and research issues; and making international comparisons. The book reviews the Tribunal's place and takes a critical look at its role in reshaping Maori society and identity. The conclusion reflects on the organization's future and the contribution it makes to developing notions of reparatory and distributive justice.

While this approach is refreshing, at least partly because it is unique, it is not entirely successful on all fronts. Chapter one overviews the history of the Tribunal, outlining