

of public choice theory would favour. The most interesting part of this section is the discussion of users' rights. Here, through a discussion of doctrines like personal use and fair use, the authors try to develop an interpretation of the law which empowers consumers of copyright material and is consistent with the social goal of increasing knowledge. So, for example, they would allow copying of a copyrighted work for personal use where personal use did not include copying for commercial purposes. The authors argue that copyright has a legitimate role in protecting publishers against their competitors, but should not be extended to prevent private copying. Rather the problem of private copying should be dealt with through the market mechanism. The price of works should be such that there would be no incentive to copy.

This is bound to be a controversial book. It does not join in the very fashionable enthusiasm for intellectual property rights, but is highly critical of the state of the present law and the vested interests it favours. The authors develop a consistent framework for the understanding of copyright law which is sensitive to the legal materials. Their willingness to engage in the enterprise of theory building is to be commended, for in the Anglo-American context the problem has been that copyright and other intellectual regimes have been undertheorized. The lack of theory is puzzling given the central importance of intellectual property in cultural and economic life. Australians, for example, have for a long time suffered higher prices for books as a result of the parallel importation provisions of the *Copyright Act 1968*. Similarly, it has never been clear that real benefits have flowed to Australia from the *Patents Act*.

Given that Australian law has the same historical lineage as US copyright law and that copyright law is part of an international system, Australian lawyers will find the book informative and instructive, although not necessarily to their liking. Economists and social scientists seeking to understand the policies behind copyright will find it a valuable source of understanding. Finally, those social scientists seeking to build sleek macro models of information capitalism might find in the pages of the book some concrete legal particulars to help demonstrate their model.

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**Knowledge and Power in a South Pacific Society** by *Lamont Lindstrom* (Smithsonian Series in Ethnographic Enquiry: Smithsonian Institution Press, Washington, 1990), pp. xiv + 224, \$US16.95, ISBN 0-87474-365-6.

Information, its holding, withholding and transaction, not to mention development, is a part of any human society. The *Homo* species salient feature, that it is *sapiens*, implies information; speech, along with tool making, have been proposed as among the first elements of the modern human.

For the at best few million years of human existence speech, oral culture, has been the sole method of information management. A few thousand years ago, mainly state societies evolved writing and the possibility of centralised secrets, of either a sacred or profane nature.

Most researchers have analysed knowledge and information control/transmission in oral societies as being fundamentally different from those of literate ones. The recent and very influential essay by Benedict Anderson, *Imagined communities*, holds that literacy and the control of language is what made the modern state possible.

Lindstrom, an anthropologist working in a small community on the turbulent island of Tanna in Vanuatu, takes a radically different line and seeks to apply universal principles of analysis of information, starting with his local group of talkers. As he says, "... the information society is grounded in talk" (p.10). His specific "... field of conversation" (p.25) is about a hundred Kwamera speakers (out of 2,000 total) who live along the southern and eastern coastal areas of the island.

He takes as his inspiration the work of that most literate of French thinkers, the late Michel Foucault, arguing that all human culture is essentially the same, whether it functions with words or writing; telecommunications or talking. In fact, he proposes an information-based definition of culture:

... culture is ... defined as a body of conversationally managed statements, rather than 'acceptable' common knowledge. Culture both requires and informs relations of domination among those who take part in its conversations (p.11).

He is quite clear on the purposes of his study:

I do not much care about the details of what the Tannese say ... My intent, instead, is to read between 'the lines' in order to uncover local procedures that manage the practice of saying itself: the conditions that govern the making, circulation, and hearing (consumption) of island talk (pp. 9-10).

I have three objections to Lindstrom's analysis, apart from some severe qualms about his writing style, worthy of his abstruse mentor.

In the first place, Lindstrom analyses the extraordinary talk involved in arguing (sometimes to an outsider anthropologist) the details of the exotic John Frum millenarian cult. This goes beyond the Foucault-ian requirement to look at only serious talk; discourse concerning "truth claims". Lindstrom considers no statements here about technology, how to build a house or mix kava, for example; none about genealogy and yams, from his "island world of discourse" (p.28). These are contested domains as well, but, perhaps from Lindstrom's point of view, less owner bound?

This focus on Frum discursive consciousness as a *leitmotif* colours Lindstrom's analysis, although it makes for more interesting reading, unless of course you have need to build a house or mix some kava. Scattered through are references as well to what he says are his three interests: talk about magic, medicine and geography, but they pale alongside the chapter (all but two) Frum hymnal invocations!

The second problem that I have is that although *Power* figures in the title, it is a market driven definition. That is, for Lindstrom power is negotiated through talk in an open "conversational marketplace" (p.104): Lindstrom is a kind of free market sociolinguist. His definition of power is voluntaristic and this robs his analysis of any universalistic potential for it ignores the role of the state in modern times, and the control exercised by those who staff and dominate that apparatus.

Finally, it is no cheap shot to say that except for a few pages (e.g., pp. 53-4), Lindstrom does not deal with females who, according to his male informants, lack legitimacy in a kind of Weberian formulation of authority; but, *per contra*, cites a Frum text that uses women's loquacity as a perjorative (p.160). We might have had more "knowledge statements (his word for information)" about this.

His phases, so pregnant with metaphoric meaning, though, demonstrate distracting stretchmarks after reading. Lindstrom is consistent, if not relentless, in encoding Tannese experience in Foucault-ian terms, which they may come to see one day as another legacy of their former condominium status.

In spite of the adumbrated jargon, with the odour of *café noir* and *Gaulois* enveloping it, I cannot see much advance in Lindstrom's analysis on phenomenologist Erving Goffman's *Forms of Talk* (1981) and F.G. Bailey's neo-functional *Stratagems and Spoils* (1968), none of whose extensive bibliography does he mention. He does cite Fredrik Barth's cognate works on Papua New Guinea, however.

For the original information management theorist, he might well have gone to Georg Simmel's essay on secrecy (1906), also ignored. The omission of Simmel is all the odder when one considers one of Lindstrom's principal definitions of his *volk*: "On Tanna, there are no encyclopedias and no dictionaries to go to for answers — just people with secrets" (p.119).

Readers interested in French theory, particularly that emitted from Foucault & Co., will want to see what Lindstrom does with the master's *oeuvre*; persons involved in the analysis of information management, if they are looking for novelty in theory, may find inspiration in *Knowledge and Power* as well.

Pacific specialists likely will find Lindstrom's heavy theoretical overlay an opaque quilt of obscurity, obfuscating the ethnography. Few people use quilts in the Pacific.

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**Encyclopedia of Information Technology Law** edited by S. Saxby (updated by releases twice yearly) (2 vols.) (Sweet & Maxwell, London, 1990)

It is a formidable undertaking to review anything with as imposing a title as "Encyclopedia of ...", although limits of the present work are clearly set by the phrase Information Technology Law. However, it would be mistaken to believe that information technology law now constitutes a discrete legal discipline. Rather, it is an area of applied law or, to paraphrase the Editor, a study of the interface between law and technology. As such, it has many disparate threads and it is not always easy to bring them together into a coherent whole. Some of these threads have already been closely examined and well developed in other places and by other writers, while some have only received cursory or rudimentary treatment and raise many difficult questions that have yet to be satisfactorily resolved. While most, if not all, of the legal principles examined in this work are far from new, the context in which they now arise is often virgin territory and the task of a legal scholar here is something akin to that of a research scientist investigating some hitherto unexplored natural phenomenon.

In his preface, Saxby recognises this pioneering aspect of the Encyclopedia, and comments, not without some justification, that what is written in many of the chapters will inevitably have an effect upon the way in which the law develops in the future. This adds a touch of excitement to the whole enterprise, and highlights the theme that underlies the whole work. In information technology, the law is faced with the task of adapting old established principles to a phenomenon that is constantly developing and changing. While this may