rather than a cure" (p.151). There are evidently few questionings of the *status quo* in Prospect and the evidence, resultingly, acquires at times a narrow and repetitous ring.

Certainly as the author indicates, the patterns of meaning and experience found in Prospect will be found in other times and places; there will be different experiences with women from less homogenous backgrounds, and much work awaits to be done in other arenas and on the use, for example, that various women have made networking on the telephone for political and economic purposes. Moreover, as I have also found, research on this theme meets an 'excited response' from women. "Expressions of love and hate; stories about mothers, grandmothers, sisters, and friends; confessions of obsession and avoidance — all are personal emotions and experiences related to the telephone that women want to share". The book is grist, then, to an extending mill. As Rakow sums up, "Gender is on the line in more than one sense".

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The Nature of Copyright: A Law of Users' Rights *by L. Ray Patterson and Stanley W. Lindberg* (University of Georgia Press, Athens, Georgia, 1991), pp. xiii + 274, $US12.95 pbk, ISBN 0-8203-1362-9.

This is not a book that will endear itself to many practising copyright lawyers. It is highly critical of the present state of US copyright law, the judicial interpretation of that law and, by implication, of the lawyers active in the field of copyright. The main message of the book is that the present US copyright law, as devised by judges and lawyers, ignores fundamental copyright principles and serves the interests of publishers at the expense of authors and consumers of copyright material.

The task of the book becomes, then, the identification of the proper goals and principles of copyright law, and how these might be used to develop a copyright law that does justice to all the social interests involved in copyright.

The identification of correct copyright goals and principles occurs through a historical investigation. This historical discussion of copyright law takes up the first seven chapters of the book. Copyright law, as is well known, had somewhat unprincipled beginnings. With the invention of the printing press in the 15th century, the spread of heretical ideas became an even more serious problem for the state. In England, the Crown decided to solve the problem by giving the craft guild responsible for the printing and book trade (the Stationers) a monopoly in exchange for the guild carrying out the duties of censor and prosecutor. This cosy arrangement of privilege broke down and eventually the English Parliament passed the Statute of Anne (1709) to deal with copyright.

The authors see, in the Statute of Anne, the arrival of a public interest dimension to copyright. From this statute they begin to derive their fundamental principles of copyright. They argue, rightly, that the Statute of Anne recognized a link between copyright and learning and that, by limiting the term of copyright protection, it gave rise to the notion of a public domain. Of equal importance, the statute, by limiting the rights of copyright owners, introduced the notion that copyright law was an instrument of trade regulation.

The Statute of Anne had a direct influence on the intellectual property clause of the US Constitution which empowers the Congress to pass laws regarding authors and their writings. The first and most fundamental goal of copyright is, the book argues, the promotion of learning. The other policy goals are the preservation of the public domain and the protection of the author.

Through their historical analysis the authors build a strong case for their later argument that US Courts have lost sight of the goals which copyright is meant to serve and have instead expanded the rights of copyright owners. The historical section of the book might have been strengthened by some discussion of the doctrine of natural rights. One claim which the authors make is that, despite the statutory basis of copyright, the view that writers have a natural property right remains deeply appealing and still influences judicial attitudes to copyright law. Here one might have expected some discussion of Locke's arguments for the natural right of property in Chapter 5 of the Second Treatise, and the lasting influence of that discussion on the attitude of modern liberal societies towards property.

The second section of the book examines some important issues within copyright law, including the relation between copyright and free-speech rights and the extent of the right to copy. One of the central arguments of the book is that the courts have ignored a fundamental distinction between the copyright and the object of copyright. Ownership of copyright entails the ownership of certain legal rights but not the ownership of the work, a physical object. (I own my copy of *Prometheus* but not the copyright.) The failure to understand this distinction has been a persistent source of confusion in copyright law, the authors argue. The conflation of the distinction has allowed the publishers to expand the right of copy to control more and more uses of the physical object, giving them in effect greater and greater control over the object of copyright. Increasingly, the right of copy has infiltrated the area of personal use of the object of copyright. So, for example, the private copying of copyright material is a practice which becomes threatened by the expansion of the right of copy. The authors take the dramatic and, for some at least, inflammatory line that the present interpretive line of the courts is unconstitutional. The copyright clause and the free speech rights in the US Constitution promote the goals of learning and free flow of information. Current copyright law has made major inroads into the rights of users of copyright material, in effect creating a user's tax on such material. The law as it stands helps to inhibit the flow of information and the rights of consumers to have access to copyright material, and therefore subverts the constitutional goals of copyright.

The discussion of the right of copy leads into the third section of the book which deals with the balance that copyright law has struck between the interests of authors, publishers and users. The main theme of this section is that there is no real balance, with the law heavily favouring publishers and industry interests. The explanation for this is to be found in part in the lobbying power of publishers and copyright entrepreneurs. It is precisely the kind of explanation that advocates

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.