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## Review of *The Land Is Our History: Indigeneity, Law, and the Settler State*, by Miranda Johnson

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## **The Land Is Our History: Indigeneity, Law, and the Settler State.**

By Miranda Johnson.

New York: Oxford University Press, 2016. x + 233 pp.  
Illustrations, notes, bibliography, index,  
\$105.00 cloth, \$26.95 paper.

On the basis of extensive archival research into legal case files, government policy debates, newspaper reports, and interviews with key participants in Canada, Australia, and New Zealand, Miranda Johnson of the University of Sydney has written a well-crafted transnational history of indigenous activism, land, and indigeneity. From the early 1970s through to the mid-1990s, Indigenous activists in these three Commonwealth countries used groundbreaking legal strategies to reclaim unkept promises in aboriginal and treaty rights and seek justice owed to them. In concert with white judges, lawyers, and expert anthropologists, among others, these activists brought forth the importance of the umbilical bond between their peoples, time, space, and historical agency. *The Land Is Our History* articulates this intricate binding story and how it unsettles to the origins of the settler state.

In so doing, Johnson follows a broadly chronological analysis connecting legal claims in Australia and Canada in the 1970s to those in New Zealand in the 1980s and 1990s. Within each chapter the narrative goes back and forth in time to “explicate the historical conditions of claims- making and highlight local moments of success, failure, and change” (11–12). Chapter 1 traces a range of legal tactics Indigenous

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activists in Canada and Australia used to establish their distinct land rights and political status. In Canada activists defined themselves as “citizens plus” to indicate their specific status as “coeval” citizens and distinct nations within their own territories. In Australia, the “citizens plus” premises did not work, argues Johnson, as Aborigines faced the discriminatory law of 1901, which prohibited the Commonwealth from making any law or providing welfare for the Aborigines until 1967. Chapters 2 (on Australia) and 3 (on Canada) offer a microhistory of two of the earliest legal cases in pursuit of indigenous land rights in the 1970s: the “Gove land rights case” that Yolngu people brought to court in Australia and the “caveat case” that Déné people in the Mackenzie Valley mounted in Canada. Chapter 4 examines the work of three commissions of inquiry in Canada and Australia: the Canadian Indian Claims Commission (CICC, 1969–76); the Aboriginal Land Rights Commission in Australia (1973–74); and the Mackenzie Valley Pipeline Inquiry in Canada (1974–76). In drawing connections between these commissions, Johnson shows not only the problems and possibilities Indigenous peoples encountered in having their distinct land rights recognized, but also the role of these commissions in creating “a new history” based on oral testimonies of community elders. (86) This new history unties the roots of the settler state and provides a story of two founding peoples.

In chapters 5 and 6, Johnson takes us into the Māori activism against historical “fraud” in the Treaty of Waitangi of 1840, and how the Māori forced Pakeha power-holders in Aotearoa/New Zealand to create the Waitangi Tribunal in 1975. Johnson shows how Māori leaders, in a key legal case known as the “Lands case” of 1987, occupied the national stage and established themselves as “first among equals” (120). The Lands case restored the Māori “rangatiratanga,” or chiefly authority, and recognized their language, culture, and ways of life on the land. Beyond this historical moment, Johnson disentangles the intricate politics of denial (advocated by Crown lawyers and experts) and compromise (defended by Justice Durie) in the Whanganui claims to their river.

Rather than a zero-sum contest in which Indigenous peoples either lost court cases or were completely victorious in the 1970s and 1980s, the recognition of treaty and land rights in these three countries redefined the very fabric of postcolonial identity and the stories

of foundation of the settler state. Some readers will find Johnson's comparative and microcosmic story fascinating; others will question the larger outcomes of these claims cases on changing of the status quo; still others will applaud Johnson's compelling methods and insights in recasting Indigenous histories in Canada, Australia, and New Zealand. Her book builds a solid case of history from below, and deserves a wide readership from scholars of colonialism, Indigenous studies, transnational history, and Pacific Rim studies.

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