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Blood, Land and Sex: Legal and political pluralism in Eritrea, by Lyda Favali and Roy Pateman. Bloomington and Indianapolis: Indiana University Press, 2003. xvi + 352 pp. £ 32.95 hardback. ISBN 0-253-34205-8 (hardback); £ 14.95 paperback. ISBN 0-253-21577-3 (paperback).

This study of Eritrea's complex legal history and current situation, written by a legal scholar and a political scientist, is an excellent introduction to the theme of legal pluralism in Africa. It is also a helpful and fascinating account of Eritrean history and society and the profound challenges this newly independent country (*de facto* since 1991) faces. The book opens up a whole new horizon of studies on Eritrea.

In ten chapters the authors give us a thorough survey of the history of legal traditions in Eritrea and of the historical-political conditions that have influenced their formation. They clearly define their approach to legal pluralism (Chapter 1) and show how various actors — the ethnic groups (the term they use is 'ethnies'), religious groups, the state, and the international community and its various organizations — are involved in shaping law and legal structures. At first sight it might be unexpected to see a discussion of legal matters explicitly combined with one on political developments — much of it related to the almost 30-year independence struggle and the recent, renewed war with Ethiopia (1998–2000) — but in the course of the story the authors explain why. The struggle as to what Eritrea's status and identity are in relation to Ethiopia, with which it historically maintained very close relations, has had a decisive impact on its legal and political structures today.

Throughout the book the authors stress the great importance of customary or traditional law, made by the various ethnic groups of Eritrea over hundreds of years. They enumerate all the (written) legal codes, and assess their nature in admirable detail. Most of these 27 or so written codes are from highland peasant communities that had a written tradition associated with the (Ethiopian) Orthodox Church (Tigrinya, Bilin, Mensa) or with Islam (some Tigré groups, Saho, Beni Amer). The legal rules from pastoral or lowland communities without a strong literate tradition (Nara, Kunama, Afar, Rashaida, Hedareb) are not well known, although anthropologists have done some work on them. The texts are different in length, comprehensiveness and status, and are also of different age. Some are quite short, and were written down well before the Italian colonial era. But they are indeed a remarkable corpus, showing the creativity of local communities in settling their disputes and devising corrective mechanisms. They also demonstrate the conflictual nature of Eritrean society throughout the ages, a fact repeatedly underlined by the authors. Due attention is given to religious traditions of law-giving (the Bible, the *Fetha Negest*, and the Koran (*shari'a*)), as well as to more recent state interventions, leading often to what they term legal 'contamination'. The most recent legal actors are the international ones, and their role can be expected to grow in the future.

In separate chapters the authors treat homicide and blood vengeance, land tenure and land disputes (a prominent feature of Eritrean society), family, marriage and gender matters, relating especially to the relatively weak position of women, and 'female genital mutilation', an issue that jumps out clearly in the current globalized debate on the rights of women. All these chapters are quite detailed, and rich in insights and points for discussion (also Chapter 10).

The survey of the issues and themes of the codes and legal traditions that the authors provide is based on the admirable and voluminous research work done by Italian scholars in the era of Italian colonialism in Eritrea (1890–1941). The book thus provides us with an extremely helpful and interesting account of the major legal

and political issues of relevance for reforming the Eritrean legal (and political) system. It is strongly descriptive throughout, but also gives numerous pointers for future theoretical debate and comparative research. Indeed, one of the next challenges, after this book, is to undertake extensive empirical research into how the different legal traditions, especially customary law, now interact, and to explore the role of the imposing Eritrean state, with its programmes of revolutionary social change. While much of traditional law is still followed today, in the absence of a fully developed state legal system, this will probably not be forever.

The authors carried out the research for this book in Ethiopia and in Eritrea and provide us with glimpses of the remarkable work that was done by the Eritrean People's Liberation Front (EPLF) during the struggle in documenting legal, political and social life in Eritrea. All ethnic groups (or, in local parlance, 'nationalities') were researched by means of observation and interviews, yielding a huge archive of information on law, land issues, genealogical relations, social organization, etc. (see note 20 to Chapter 10, on p. 305). It is hoped that this formidable database can one day be consulted and used for further research.

The connection of legal with political matters is sometimes not quite clear in this book, and one cannot perhaps expect a balanced macro-political view; for example, past Ethiopian rule even before the devastating *Derg* period (1974–91) is depicted as universally mischievous, and in the context of the recent war Eritrea is presented as the innocent country that was attacked (see p. 154). Also, the Afterword on p. 104 makes a political point, but appears unrelated to the discussion in the preceding chapter. The recent Ethio-Eritrean conflict should perhaps be discussed more on the level of authoritarian elite politics than on that of underlying ideas about land and justice. Between the lines, however, the authors' criticism of the actions of the post-independence Eritrean regime, especially since 2000, is often serious (e.g., pp. 62, 65, 71, 129, 216). In order to realize a fruitful integration of the various legal actors or traditions (the authors see them all as 'legitimate actors', pp. 2–3) and let law run the course that gives satisfaction to the people, some crucial things will probably have to change in Eritrea.

The book contains a glossary and an excellent bibliography, but perhaps is marred by an exceedingly large number of endnotes: 1225 (!), running from p. 235 to p. 305. Some of the space taken by these (sometimes quite extensive) notes might have been used for illustrations and maps, for example, of the location of the various ethnic groups of Eritrea. Nevertheless, this book makes absorbing reading and is a solid and stimulating contribution to the study of legal pluralism in flux and to the debate on Eritrea's social and political future.

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A History of Prison and Confinement in Africa. Edited by Florence Bernault. Portsmouth, NH: Heinemann, 2002. x + 283 pp. £16.99 paperback. ISBN 0-325-07125-X (paperback).

Over the last twenty years, historians have had much to say on the subject of authority and coercion in colonial Africa but little on the history of prisons and of penal servitude. This collection of twelve essays, edited by Florence Bernault, one of the few historians to have carried out substantial research on the topic, goes some way to fill the gap. A joint French-American production (David Killingray flies the flag