

*terasing, kemadjuan for kemajuan, terkebelakang for terbelakang.*

These editorial weaknesses notwithstanding, Porath's book is a highly welcome contribution to an increasing number of monographs about Indonesian societies that have escaped the close attention of colonial and early postcolonial ethnographers. And it is a committed effort to engage with the difficult genre of shamanic texts in a comprehensive way, which, despite the minor shortcomings mentioned above, is laudable in itself. But the originality and importance of Porath's book certainly lies in the ambition to combine a social anthropological approach to shamanism with a philological one.

One last remark concerns the choice of the topic itself. At a point in Sakai history, in which their survival as a culturally distinct group is doomed beyond hope, it may seem astonishing that Porath doesn't commit himself to the analysis of the processes that cause the present marginalisation and plight of the Sakai. Their bitter tragedy consists in the fact that the hegemonic worldly powers they used to invoke in shamanic songs – just as they invoke powerful spirits – in order to harness and manipulate them, have physically arrived, pushed them to the margins of the frontier society, and turned the expressive remnants of their way of life into a petty touristic attraction for the occasional Caltex employee. The big question that remains unanswered for me in Porath's book thus is: What does the experience of this utter powerlessness mean for the legitimacy of shamanic practice? Reading Porath's account, my impression is that it means surprisingly little. Shamanism is still a powerful therapy for those seeking health, and it is still a powerful source of group identity. Perhaps this is so because Sakai shamans have always been the underdogs in their confrontation with the mighty spirits like *mambak*, "Lord King Crocodile," "Young King Driving his Sedan" and their worldly counterparts. It was the shaman's daring and cunning in dealing with these powers that earned them a following that hoped to resist these powers with their guidance. Perhaps this also explains the optimism that pervades Porath's book, which seems at first a bit misplaced in the case of a society that is recklessly being deprived of its ecological base.

Heinzpeter Znoj

**Roberts, Richard:** Litigants and Households. African Disputes and Colonial Courts in the French Soudan, 1895–1912. Portsmouth: Heinemann, 2005. 309 pp. ISBN 0-3250-0258-4. Price: \$ 29.95

This useful volume is based upon extensive archival research in Mali, West Africa, along with interviews of local Africans familiar with local courts and trials. It makes use of records for about 2,000 recorded cases from the era of early French colonialism in West Africa. This provides a valuable description of how the French colonialists sought to use native courts to impose order on local Africans and also, in contrast, how opportunistic Africans sought to use courts to claim new rights in changing economic and political situations, what the

author describes as an ever-changing "landscape of power" (2).

In 1905 French colonialists established local African courts in what is now Mali and adjoining areas of Sudanic West Africa. These were divided into three levels: (1) Village tribunals headed by local chiefs and aimed at achieving reconciliation between local disputants; no records were kept by such bodies. (2) Provincial tribunals headed by African magistrates who were appointed by French officials who supervised them. (3) District tribunals which reviewed appeals from provincial tribunals and whose judgements were made by the French Lieutenant Governor. This volume is almost entirely concerned with cases heard by provincial tribunals. These kept written records and were the courts where local African ideas and practices of law directly encountered the authority of French administrators. These were the arenas where Africans could test their views about law and justice against those of their colonial rulers and where French administrators, in turn, could appraise and judge the ability and character of Africans against their own views of what constituted civilised behaviour. The French repeatedly cited court records as evidence of the character (and, at times, the backwardness) of African society and culture.

Those cases that reached provincial tribunals were never seen by Africans as ones meriting reconciliation. Reconciliation was a concept in large part synonymous with the local social pressures to conform which were experienced in local communities. Those who brought cases beyond their villages to provincial tribunals sought judgements that would assign rewards and punishments to the protagonists involved, not peaceful resolution. These were cases which litigants saw as insoluble locally because traditional social life had changed, because older social ties and values no longer fully held.

During the earlier decades of these courts local Malian society was disrupted by the end of legalized slavery. This led to many former African slaves now seeking to leave the households and even villages where they had been subordinated; this included men who had worked for African landholders and petty traders and artisans and also women seeking to leave men who had purchased them as concubines and wives. Former owners sought to hold on to former slaves by claiming that slaves owed them debts; former slaves often claimed former masters owed them wages or had not properly supported them in food and housing. The overwhelming number of cases involved women seeking to leave men who claimed to be their legal husbands. In short, the newly-created local colonial tribunals provided new arenas where those of lower status could try to challenge their superiors successfully. One of the major results of this growing litigation was that French colonialists began to reconsider their stereotypes about the nature of African households and the stability of African society.

At first, French colonialists supported women seeking divorce, criticizing ways in which traditional African society oppressed women. Later officials became ever

more uneasy about the rising rate of marital instability and the decline in male authority. They consequently tried to make divorce increasingly difficult.

French officials tended to view African society holistically, discounting the intricacies and variations of Muslim law and tribal differences and instead viewing Africans as having a uniform native culture presumably existing as it did long before colonialism. The French were increasingly uneasy about how they should view domestic property. On the one hand, they viewed household property as determined by traditional kinship centering around rights to land and subsistence. On the other hand, they also recognized that property could be attained by individual labour, such as through commerce, crafts, and the husbandry of livestock. These latter aspects of property, however, had especially grown in prominence after colonial contact. Before colonial pacification slavery was the major form of investment in new wealth; after slavery became illegal, livestock became the major form of investment. Furthermore, the peace and economic stimulus of colonial order encouraged the growth of commerce, including new opportunities for women as traders. Most important of all, colonialism introduced cash as a new form of capital savings (far superior to traditional cowrie shells). All these changes severely threatened earlier African concepts about how property could be held and how it should be promoted. The French sought to encourage kinship solidarity which presumably would foster local communal stability, but at the same time the French strongly believed that those who laboured should hold primary rights to the products of their work. Finally, as both population and trade grew, land values skyrocketed and with that litigation over rights to hold and dispose of property also radically increased.

Roberts deftly describes how these countervailing beliefs of the French interplayed with the changing economic and social organizational changes which they themselves had promoted, whether consciously or not. Not surprisingly, the legal challenges encouraged in the years immediately after 1905 were steady replaced by an official tendency to encourage social stability and elder male authority as colonialists sought to control an African society that they considered dangerous if it were to change too rapidly, even though French colonialism had been the very source of those changes.

Roberts has written a valuable account of the difficulties of producing and enforcing law in a society in which colonial rulers and ruled do not fully comprehend one another and where rulers themselves are not clear either about the outcomes of their own policies or indeed even clear about what changes they actually desire. Roberts has a keen sense of how colonial Malian society worked, a good sense of the cultural contradictions involved in African courts under colonial rule, and an awareness of the methodical limitations of using written colonial legal records to determine what actually went on in local African courts on the ground. Roberts's broad views strike me as convincing and enlightening; inevitably, however, his material cannot convey what actual court

situations must have been like on the ground. Unfortunately, we still lack enough studies of how those local African courts worked. Unfortunately, too, those who were there and who might tell us are ever less in numbers as the years go by. Let us hope such informants' accounts may yet be salvaged to flesh out our understanding of this aspect of the vanishing colonial experience.

T. O. Beidelman

**Schäfer, Rita:** Im Schatten der Apartheid. Frauen-Rechtsorganisationen und geschlechtsspezifische Gewalt in Südafrika. Münster: Lit Verlag, 2005. 480 pp. ISBN 3-8258-8676-X. Preis: € 29.90

Nach der politischen Wende in Südafrika waren Frauenrechtsorganisationen maßgeblich an der Ausgestaltung der neuen Verfassung beteiligt, einer Verfassung, die als mustergültig gilt im Hinblick auf die Implementierung demokratischer und emanzipatorischer Grundsätze. Die Gleichstellung von Frauen in allen Lebensbereichen und ein umfassender Schutz vor Gewalt sind rechtlich verankert. Tatsächlich bleibt jedoch der Alltag der meisten Südafrikanerinnen geprägt von wachsender Kriminalität und eskalierender Gewalt; das Land hat die höchste Vergewaltigungsrate der Welt und befindet sich auch mit der häuslichen Gewalt an der Spitze der Statistiken.

Dieses Auseinanderklaffen von Rechtsanspruch und Rechtsrealität steht im Mittelpunkt von Rita Schäfers Arbeit. Basierend auf empirischen Studien in den Jahren 2000–2001 und 2005 und mit Hilfe einer gründlichen und umfassenden Literaturlauswertung, zu der sie eine wahrhaft erstaunliche Fülle an Material heranzieht, erhellt sie die historischen und soziokulturellen Hintergründe für die weitgehende Akzeptanz von Gewalt, die inzwischen für die Geschlechterbeziehungen prägend geworden ist, und dokumentiert die Arbeit der verschiedenen Frauenorganisationen, die versuchen, gesellschaftliche Veränderungsprozesse in Gang zu setzen und die Lage der Frauen zu verbessern. Die Studie ist multidisziplinär angelegt, und bei der Leserschaft werden zumindest gute Grundkenntnisse der Geschichte, Politik und Ethnografie Südafrikas und Verständnis für Rechts- und Gender-Fragen vorausgesetzt.

Das 480 Seiten starke Werk gliedert sich in vier Teile mit insgesamt 14 durchnummerierten Kapiteln, gefolgt von einer außerordentlich umfangreichen Bibliografie. Zunächst gibt die Autorin einen gut recherchierten Überblick über den Stand der Forschung im Bereich *gender-studies* in Südafrika, wobei sie ein weites Spektrum von Forschungsbereichen und -themen anspricht, die für die Frage der Geschlechterbeziehungen relevant sind, von Sozialgeschichte, Politik und Ökonomie bis hin zum Bildungs- und Gesundheitswesen.

Im ersten Teil, "Historische Kontexte der geschlechtsspezifischen Gewalt", analysiert Rita Schäfer Geschlechterhierarchien und -konstruktionen und geschlechtsspezifische Gewaltformen vom Anfang der Kolonialzeit bis zum Ende der Apartheid in chronologischer Reihenfolge und Maskulinitätskonstrukte in verschiedenen