

## BOOK REVIEWS

**Women and the Law in Southern Africa**, Alice Armstrong (ed) assisted by Welshman Ncube, Zimbabwe Publishing House, Harare, 1987 (281pp, price Z\$5,00 plus tax)..

**Empowerment and the Law. Strategies of Third World Women**, Margaret Schuler (ed), OEF International, Washington, 1986 (454pp, no price given).

The history of women's struggle for emancipation dates back to the last century. In developed countries like Britain, for instance, women were for decades denied basic rights and it was not until the turn of the century that the status of women in that country rose significantly. British women did not get the vote until 1923 and, furthermore, it was not until the passing of the Sex Discrimination Act of 1975 that the last of the injustices were made illegal in that country. In developing countries women have been struggling for a long time and, sadly, they are still struggling for their rights. In many of these countries women have been treated like second-class citizens in spite of the enormous contributions they make to the socio-economic, political and cultural life of these countries. Very often women are subjected to humiliation and sometimes to antiquated and degrading (mal)practices, including suttee in parts of Asia and circumcision in parts of Africa.

It is heartening to note that governments in many countries, particularly in the developing world, have joined the fight for women's emancipation, principally through the passing of legislation meant to give women their full rights. Besides governments, some men have expressed sympathy with the women's cause, although they might come short of actually engaging in the actual fight. The saying that 'you don't have to be in the army to fight the war' does ring true here, and hence the contribution by these men (even if it is only moral support) should be most welcome to all concerned. In spite of these efforts, however, discriminatory practices against women still persist the world over.

It is in the light of this background that the two books **Women and the Law in Southern Africa** and **Empowerment and the Law. Strategies of Third World Women** are most heartily welcomed. Both publications are concerned with women and the law and the observation of both is that women the world over have received and continue to receive a raw deal; their rights are constantly being violated. While **Empowerment and the Law** casts a wide net and examines the situation of women in such diverse regions of the world as Asia, Africa and Latin America (ie the Third World), **Women and the Law in Southern Africa** restricts its analysis to the situation

in the Southern African countries of Botswana, Mozambique, Swaziland, Zambia and Zimbabwe. Both texts are basically a collection of contributions from different people in different countries who have been directly involved in the struggle for women's rights. The authors appear quite committed to the struggle for women's emancipation and they strongly believe that women and men are entitled to full equality both under the law and in practice.

There is a striking concordance to some of the observations made in the two books. For instance, both texts seem to agree that the problems faced by women everywhere are basically similar. They also both note that, although steps have been taken in various countries to give women full rights through legislation, it appears that there is still a lot of work to be done before the objective of full rights can be realised. The major snag, of course, is that the law says one thing while practice is often different. In my opinion this is a fair observation and can be seen in many countries. For instance, a recent article in *The Herald* (Feb 17, 1988), entitled "Role of Women in China Now Changing" notes that "The role and status of women in China have undergone great changes in recent years. But discrimination and prejudice still exist. Women, especially married women, cannot enjoy equal rights with men in many respects . . .". The authors of the two books argue that these double standards are a result of the "existence of attitudes and behaviours that reinforce and condone the existence of inequitable laws and inconsistent application of the law" (*Empowerment and the Law*, p 3). The suggestion put forward in these two publications for righting this wrong is to try and change people's attitudes and behaviours in this regard. The authors are evidently unhappy about the progress made so far. For instance, in *Women and the Law* the authors lament that "over the past several years women in independent Southern Africa have called for explanations of the laws which govern their lives and for reform of the laws they consider oppressive" (p 5), but it would appear this has by and large fallen on deaf ears. By the same token, the authors of *Empowerment and the Law* regret that not much headway has been made and hence they are left with little alternative but to call on women everywhere to "deepen their understanding of the legal, cultural, political and economic underpinnings of their subordination" (p 1) if progress is to be made.

*Empowerment and the Law* has a total of 55 case studies and it painstakingly tries to show how society creates and reinforces female oppression. It is also concerned with strategies for empowering women who are underprivileged and calls on them to "challenge and even subvert" the system in order to realise their goal of total emancipation. It explores developments taking place in third world countries with regard to the plight of women and urges that more be done. The book is in six parts, with topics including a family law project in Nigeria, a legal assistance programme in

Columbia, women workers and the law in Peru, women, land ownership and development in Sudan, violence and exploitation in Sri Lanka, prostitution and sexual exploitation in the Philippines — to name but a few of the issues covered.

The final section, part 6, deals with the proceedings of the Nairobi Meeting of the Third World Forum on Women, Law and Development held in July, 1985 as part of the non-governmental activities connected with the United Nations Decade of Women. Some of the papers presented at the conference, as well as the recommendations, are reproduced in the book. The book also has a section on selected readings as well as a directory of contributors.

*Women and the Law in Southern Africa* has 14 chapters, also laid out in 6 parts. The different sections address diverse topics relating to the plight of women in the sub-region. The issues covered include women and property, women and marriage, the legal status of women and health matters. Like its counter-part, part 6 of this book is a reproduction of the Women's Convention on the Elimination of all Forms of Discrimination against Women as adopted by the United Nations on 19th December 1979 as part of the United Nations Decade of Women.

The two books both document the problems confronting women as they struggle to take up their rightful place as participants, contributors, and beneficiaries of development. They both call for action to improve the lot of women in various countries and agree that a knowledge of law is important and steps should be taken to educate women on laws that affect them directly. This is seen as being important considering the fact that women comprise a major social group who have been systematically excluded from full economic and political participation in the production and benefits of development. The authors of the two books are at pains to identify and expose those structures of society that are responsible for upholding and legitimising women's social and economic subordination and marginalisation in the development process. The hope, in trying to expose the structures, is that change may be effected. They both lament that laws may be ineffective in practice because of extra-legal forces obtaining in the various societies, and they further regret that in some cases there is even a pattern of legally sanctioned and constitutionally guaranteed subordination of women — for example, labour laws, penal laws and civil laws which govern legal capacity, rights and obligations in marriage, guardianship, inheritance, income, land rights and participation in public affairs. These are all areas in which change is required without delay.

The two books are quite easy and interesting to read and the sequence of topics seems quite logical. My main reservation with both texts, however, is that they seem to over-dramatise the plight of women to a certain extent. For instance they seem to argue that no progress has been made whatsoever in

giving women their rights, when in actual fact it is common knowledge that many governments have made quite substantial strides in this regard. Credit should be given where it is due but, in my opinion, the books will be found wanting in this respect. Another cause for concern is that the texts both seem to blame everyone else but women for the plight of women. The authors do not seem to want to acknowledge that in some instances some women are to blame for their situation. Women, for a number of reasons, have failed to stand up and be counted. In my opinion, they need to emancipate themselves from themselves first, before they can seek liberation from their male counterparts. There is a deafening silence in both books in this regard. A statement to this effect is conspicuous by its absence, and yet, if included, it would serve to strengthen, rather than weaken, the argument for women's emancipation.

I also sense a certain amount of agitation and emotionalism in some of the statements made in the two books. Emotion, though sometimes an asset where mobilisation is the aim, is capable of affecting objectivity negatively. For instance, the call that women should not only challenge but even 'subvert' the system in order to achieve their goal is at best ill-conceived. Harmony and peace must be the order of the day if women expect unflinching support and co-operation from their male counterparts.

In spite of these criticisms, I should say the two books on women and the law are quite useful contributions to the literature on women and development and should be most valuable to those involved in women's studies at universities, colleges and similar institutions. The books should also be useful to those working with women and indeed those interested in women's issues *per se*. Legal personnel should also find the texts quite informative and useful and so should development workers in general. In particular the books will be a companion to development workers from the developed world employed by non-governmental organisations operating in the rural areas of developing countries.

Both publications are highly recommended.

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**Money, Banking and Public Finance in Africa**, Ann Seidman, ZED Press, London, 1986 (363pp, £8.95 pbk, £22.95 hbk).

This book is an interesting attempt to construct an analytical framework which is appropriate for an understanding of the nature of the economic disequilibria which have wrought havoc with African economies and frustrated their attempts to attain desired objectives. Cases in point are the post-colonial declarations, genuine or otherwise, to carry out socialist transformation, and the contradictory and invidious conditions in which the various countries find themselves. The author seeks to depict the