

BOOK REVIEWS

Rhodesia/Zimbabwe By O.B. Pollak and K. Pollak. Oxford, Clio Press, World Bibliographical Series 4, 1979, 195pp., £14.75.

SADEX: The Southern African Development Information/Document Exchange Washington D.C., African Bibliographical Center, Vol. 1, No. 1, June-July 1979- , (6 issues annually).

Rhodesia/Zimbabwe is a selected, retrospective and annotated bibliography which is intended to be up-to-date, to 'describe a country through its literature, and to provide ready access to selected courses for further study'. The main section lists 508 entries, drawn from the authors' *Rhodesia/Zimbabwe: an International Bibliography* (Boston (Mass.), G.K. Hall, 1977; reviewed *ante* (1979), VII, 105-10), and subsequent literature, arranged under some thirty subject headings. The introduction gives a brief history of the country but no guidance on the arrangement of the volume or the cut-off date, which is presumably 1978. There is a useful index listing entries by author, title and subject in a single sequence.

It is immediately apparent that this bibliography suffers from the same imbalance as the one on which it is based; nearly half the entries are devoted to history, politics and related subjects. The arts, languages and certain important social issues such as health and education receive scant attention; there are no works listed on topical subjects as the Rhodesian armed forces in the seventies or housing; mining and industry do not qualify for headings and, together with agriculture (which does), are viewed mainly from dated socio-economic or historical perspectives. The section on specialist periodicals is so unrepresentative as to be almost worthless. Furthermore, little attempt appears to have been made to up-date the 1977 bibliography, particularly in the sparsely represented subject areas. In the 'Flora and Fauna' section, for example, items 491 and 492 have been superseded by a second and enlarged edition of the *Bundu Book of Trees, Flowers and Grasses* in 1972 and *The Fishes of Rhodesia* by G. Bell-Cross (Salisbury, National Museums and Monuments of Rhodesia, 1976), respectively. Two significant bibliographies published in 1977 have been omitted: *Rhodesian Literature in English: a Bibliography, 1890-1974/5* by J. Pichanick *et al.* (Gwelo, Mambo Press) and *Rhodesia National Bibliography, 1890-1930* by A. Hartridge (Salisbury, National Archives of Rhodesia).

Despite these deficiencies, the value of the bibliography as a general reference aid on Zimbabwe is undeniable. It provides a good overall guide to the literature on the country, with the sections on history and most of the social sciences (including politics) being especially strong. The annotations are informative and useful, giving biographical background to authors and references to related works which substantially enlarge its scope (although I would question the authors' astonishing assertion under item 463 that the card catalogue of the National Archives 'is a significant bibliographic guide second only to [their] 1977 bibliography').

SADEX, distributed free to selected institutions and individuals specializing in Southern African development, is designed to be a forum for the exchange of information on research, planning, projects and conferences in or on the region. In addition, each issue contains a feature article, book reviews and a substantial bibliographic section, arranged by country, which is intended to be illustrative

rather than exhaustive. It is a mine of information; the entries are annotated, up-to-date and include unexpected items on a wide range of subjects other than development.

National Archives, Zimbabwe

PAMELA FRANCIS

Customary Law in Practice By J.T. Storry. Cape Town, Juta, 1979, 144pp., Z\$12.00.

This newest addition to the growing literature on African law projects yet another interesting development on the subject. Written with an entirely practical bias, the handbook can be of immense assistance to the practitioner in so far as he can pinpoint quickly the areas in which he should conduct his research.

African law is a subject which is largely misunderstood or misconstrued by a great number of people, law practitioners included. To some extent this is due to the treatment of the subject as 'customary law', a designation which in modern times is misleading and which belies its complexity. Because of the dual system of law which exists in this country one is in reality faced with a conflict of laws; and simply regurgitating statutory provisions and case law, as the author does in his opening chapter, will not provide much guidance in determining whether African law is or is not applicable to a particular set of given facts. Only the more learned, it is submitted, can make full use of this handbook, as it can be dangerous to individuals whose background knowledge is less polished.

The myriad of case law authorities quoted by the author largely fails to show the extent to which legislation and the changing social climate have influenced the quality of decisions handed down by the courts. Indeed, some of the cases are either inconsistent or contradictory, and this leads to a somewhat confused impression of what the law actually is. The author makes no effort at all to comment on the cases which he quotes—some of which were in fact incorrectly decided—and he merely throws them at the reader for him to sift out for himself. To the uninitiated the handbook raises more questions than answers, and one is left wondering to what extent the Court of Appeal for African Civil Cases is bound by its own decisions, if at all.

The handbook also contains certain patent errors dotted throughout. For instance, when dealing with adultery, the author states that the common law will govern such actions if a marriage is by Christian rites. The African Law and Tribal Courts Act, Chapter 237, specifically provides for the application of African law, and this was emphatically reaffirmed by the Appellate Division of the High Court in 1975. Further, prescription does not apply to cases where the rights sought to be enforced or obligations sought to be defended arise solely out of custom. The author quotes two cases delivered before the passing of the Prescription Act (No. 31 of 1975) in support of the contention that prescription does apply. Last, but not least, the author quotes a case which supposedly lays down that African law governs an individual's right to sue for damages for assault; whilst, at least in theory, this may be the correct position, the case quoted by the author expressly lays down that common law is applicable, and that is what the law presently is. Some of the apparent errors are, however, no doubt due to the brevity with which the subject matter is dealt.

Despite such errors, however, the handbook constitutes an important step in the professional treatment of the subject, and its publication is a welcome development.

Salisbury

P. MACHAYA