1989 and the Sexual Offences Act, 1993. The late 1980s and the1990s, however, also saw significant domestic legislative initiatives which went beyond the requirements of EU law or the European Convention on Human Rights. These initiatives preempted developments such as the current Article 13 of the EC Treaty and the new Twelfth Protocol to the ECHR. The newly formed (and short-lived) Department of Equality and Law Reform played a significant role in this regard by formulating the two main pieces of anti-discrimination legislation, which were first published as the Employment Equality Bill, 1997 and the Equal Status Bill, 1997 and eventually enacted as the Employment Equality Act, 1998 and the Equal Status Act, 2000. The two Acts aim to provide protection from discrimination, subject to certain exceptions, on grounds of sex, sexual orientation, marital or family status, religion, age, disability, race or membership of the Traveller community, in the work-place and with regard to provision of services respectively.

Bolger and Kimber concentrate more or less exclusively on Irish, EC, ECHR, and UN laws prohibiting discrimination on grounds of sex. Prior to their substantive discussion, however, they provide a useful analysis of different models of equality—formal equality with strict identical treatment, formal equality combined with some form of special treatment (to counteract past discrimination) and the so-called "anti-subordinate principle". This latter model, one of whose main proponents is Catherine MacKinnon, moves beyond earlier notions of equality and aims at changing substantively the social and economic status quo, rather than simply ensuring that women are treated in the same way as men have been traditionally dealt with. The authors point to the advantages and disadvantages of each of the three models, although they appear to see most potential in the MacKinnon approach. This analysis provides a useful conceptual tool with which to view the anti-discrimination laws dealt with in the rest of the text and illustrates the close relationship between calls for equality and the desire for social change more generally.

The substantive discussion commences with an examination of Irish constitutional law and illustrates the timidity of the judiciary in striking down prima facie sexist legislation and justifying its retention, notwithstanding the provisions of Article 40.1, on the basis that the different social roles traditionally assigned to men and women justified Parliament in enacting laws ensuring that those roles could not easily be re-calibrated and that men and women seeking to step outside them would be disadvantaged. The authors also illustrate that—somewhat contradictorily—Article 41.2 of the Constitution, which refers to the special role of married women in the home and commits the State to endeavouring to ensure that mothers are "not obliged by economic necessity to engage in labour to the neglect of their duties in the home", has not been used by the courts to protect women who have worked within the home to the detriment of their careers from the adverse financial consequences of marital breakdown. Subsequent chapters deal with EC and related Irish law on equal pay, pensions, atypical and part-time workers, social welfare, sexual harassment, pregnancy, maternity and parental rights and access to employment and promotion. There is also an interesting chapter on the Equal Status Act, 2000 and its relationship with the Convention on the Elimination of all forms of Discrimination against Women. This book provides a valuable insight into the interaction between domestic and international law and the relationship between legal and societal norms in the area of sexual equality. It is written in a clear and accessible manner and the authors' forthright feminism ensures that it is both a thought-provoking and an interesting read.

JAMES KINGSTON

Islam and European Legal Systems. Edited by SILVIO FERRARI and ANTHONY BRADNEY. [Aldershot: Ashgate. 2000. ix + 203pp. ISBN 1–84014–466–1. £50. (H/bk.)]

THIS book was a useful exercise, although not quite as useful as it might have been. Its aim is to consider 'the nature of Islam, the form that it takes in Europe and . . . the ways in which very different European legal systems have tried to reach an accommodation with Islam' (p. ix). After an introduction to some of the complex issues raised (Silvio Ferrari), two opening chapters consider the nature of Islam, both as a normative system (Salah Eddine Ben Abid) and as a social

https://doi.org/10.1093/iclq/50.4.994 Published online by Cambridge University Press

phenomenon in Europe (Felice Dasseto). The seven chapters which follow make up the bulk of the book and sketch in the legal status of Islam in Spain (Javier Martinez-Torrón), Belgium (Rik Torfs), France (Brigitte Basdevant-Gaudemet), the Netherlands (Sophic C. van Bijsterveld), Germany (Gerhard Robbers), Italy (Stefano Allievi and Francesco Castro) and the United Kingdom (Anthony Bradney). There are some concluding remarks by Giorgio Conetti.

A number of themes emerge. The first is that of variety—variety in the cultural expressions of Islam, variety in conceptions of what the Islamic faith requires and variety in the ways in which European legal systems have accommodated, or failed to accommodate, Islamic practice. Yet in spite of this variety it is striking how the same broad issues seem to arise in each system. A second theme is the problematic use of private international law by States more grudging in their granting of citizenship rights to deal with conflicting ethical and cultural expectations. As Silvio Ferrari rightly points out, this reinforces a mistaken sense of foreignness and hampers an understanding of the issues. A third theme is the problematic nature of public law status, usually associated with financial advantages, and the attempts to extend it to Islamic associations. The consequences of a lack of authorised representation within Islam is considered in the essays on Belgium, France and Germany, and in the Spanish context, Javier Martinez-Torrón wonders whether the range of different statuses for different religious associations is compatible with a principle of religious equality. Finally, the increasing individualism noted by the writers on the Netherlands and United Kingdom is also questioned as a strategy for dealing with religious diversity.

One of the book's successes as a comparative exercise is to get beyond the crude formalism which is content with reciting legal guarantees in the absence of any evaluation of their social context and operation. Nevertheless, there is still a high degree of variation between the essays in how the subject-matter is approached. The essays on Italy and the United Kingdom fell at opposite ends of a spectrum from the discursively socio-political to the concise and strictly legal. This does not always make it easy to engage in comparative analysis. And the other major weakness is precisely this, that such comparative analysis is left to the reader. The book is a valuable resource, but it has no thesis; nothing seems to have been learnt. A few other minor gripes: very occasionally a few of the authors fail to avoid making normative assumptions about what Islam 'really' requires in defence of some potential failure of accommodation. Again, although the quality of English throughout is extremely high—most importantly it is never obscure—a few more hours editorial work would have pruned out the occasional mistake. Finally, a crop of typographical errors make it hard to believe the book was proof-read. For £50 one really can expect better.

JULIAN RIVERS

The Politics of Transition: A Hidden History of South Africa's Negotiated Settlement. By RICHARD SPITZ with MATTHEW CHASKALSONS [London: Hart Publishing. 2000. xviii + 461 pp. ISBN 1-84113-178-4. Price not given.]

ON 2 February 1990, President F. W. de Klerk announced the release of Nelson Mandela, and the unbanning of the African National Congress and other liberation organisations. Although the announcement took most South Africans and the rest of the world by surprise, its implications were clear: apartheid was to be replaced with a non-racial, democratic system of government. Four years later South Africa had its first democratic elections and the ANC swept to power. Almost three years after that, the new National Assembly adopted the current Constitution.

While progress from the beginning of the end of apartheid to the beginning of the new beginning now seems inevitable, it was by no means smooth or without legitimacy problems. It was one thing to elect a fully democratic National Assembly to debate and enact the new Constitution, but another to ensure the legitimacy and legality of its actions in so doing. The solution adopted was an 'Interim Constitution' providing for these elections and establishing a transitional constitutional order pending the adoption of the final Constitution. This Interim Constitution was enacted by the existing apartheid Parliament on 28 January 1993. Ultimately, however, its role was more