

LAW & HUMAN RIGHTS

Bill Dixon and Elena van der Spuy, eds. *Justice Gained? Crime and Crime Control in South Africa's Transition*. Cape Town: UCT Press/Devon, UK: Willan Publishing, 2004. Distributed by International Specialized Book Services, Inc., Portland, Ore. xxxvii + 266 pp. Tables. Notes. Index. \$45.00. Paper.

Societal change as drastic as that experienced by South Africa over the last decade and a half almost always requires reformation of basic political and social institutions. Even more important than changing leaders and slogans, however, is the change in the way we think about what these institutions do. Building upon the foundation of two earlier volumes (one devoted to late apartheid and the other to the early postapartheid period), *Justice Gained* examines the extent to which the criminal justice system, its policies and goals, as well as the concepts we use to study and describe it, are evolving in the first decade of postapartheid governance. It does so by examining the important links between such issues and politics. The contributors cover a wide variety of topics in impressive fashion, including the death penalty, gun control, domestic violence, sexual assault, and youth violence. Despite such wide coverage, each contribution displays uniformly high standards of documentation, analysis, and focus. While not all the authors espouse the same ideological or theoretical perspective, they share a concern for critically analyzing existing policies and the assumptions underlying them—sharing as well, one infers, a social rather than a purely legal approach to criminal justice policy. Not that most of the authors suggest any quick fixes to the criminal justice challenges faced by the nation; rather, they recognize the relative ascendancy of forces or ideas likely to influence various policies in the near term.

South Africa has a system of criminal justice that may be unique in the world. First of all, it is constitutionally committed to a system in which the death penalty is prohibited and extensive rights for the accused and for prisoners are recognized. Second, despite the relative wealth of the country, the inequality in distribution of that wealth complicates expectations, understandings, and demands of various groups and the government's ability fulfill them. Third, the emergence, first in the late apartheid era and then explosively in the last decade, of extensive private security services presents novel policy alternatives and adds significant new players to the arena of political decision making. The media-driven popular understanding of the increasing level of crime (in a country largely without reliable long-term crime statistics) also represents a constraint on criminal justice policy that can be used to challenge policies or politicians viewed as too soft on crime.

The essays in the volume are all accessible to nonspecialists in South Africa and to the political scientists generally. There are ample comparisons with Western Europe and the U.S., but there is also commendable

caution in making such comparisons. Indeed, each contributor acknowledges that to arrive at a genuine understanding of the social reality of crime in South Africa, one must be careful about borrowing insights from other established or new democracies with very different social systems.

After reading this volume, one comes away with a certain pessimism about South African criminal justice policy. A formidable array of forces is aligned against a more progressive social approach to understanding crime in South Africa, and the most likely result will be a future criminal justice policy that is more punitive, less humane, and more socially destructive than that envisioned at the dawn of postapartheid governance a mere decade ago.

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Okon Akiba, ed. *Constitutionalism and Society in Africa*. Burlington, Vt.: Ashgate Publishing, 2004. 172 pp. Notes. Index. \$89.95. Cloth.

This book is an attempt to place important constitutional issues in Africa in their broader social and political context. It grows out of a Ford Foundation-funded symposium on the very subject of this volume, although papers included have been subsequently revised and updated. The main themes covered are the relevance of African values to current constitutional reforms, citizenship and civil liberties, ethnicity and pluralism, and democratic means of control of the military. The geographic focus tends to be Nigeria, but there is a substantive discussion by Mahmood Mamdani of citizenship issues in the Great Lakes region. A bonus is the exhortatory epilogue by Wole Soyinka, "We, the People—Our Dignity and the Constitution."

Like most volumes coming out of a conference, the individual contributions do not hang together. Although the editor has done a good job in presenting and synthesizing the main issues discussed in the volume, there is no real attempt to draw any theoretical—or practical policy—conclusions. Not surprisingly, the individual chapters vary in quality and thoroughness. There are some that go into depth and constitute original contributions to knowledge; others, however, seem to be a rehash of what the author has published elsewhere. Overall, the volume provides a useful introduction to some of the principal issues facing African countries as they embark on improving their forms of governance. The discussion in most chapters is conducted in a comparative context, drawing on the literature on constitution-making and democratization that emanates from North and South America as well as Europe. One wishes that the authors had been a bit more concerned about showing how experiences from other regions of the world really apply to Africa. What are the specific