

battle between the powerful commercial industry and the aboriginal fishing communities who refuse to have their rights ignored and are asserting those rights with a persistence never seen before in Canada” (p. 30). Every single fishery in Canada has experienced the characteristics of: displaced Aboriginal fisheries, heavy depletions of stocks, enactment of fishing regulations, much fine-tuning, political-economic interference in fisheries management, struggles to control access to fish, excessive rates of exploitation and finally crisis. That there is anything other than salmon fisheries, harvested by First Nations, is not lost on this reader. For the uninitiated I would not recommend this book alone. In the final analysis it should be read with regional histories, such as writings by Diane Newell, Anthony Gulig, Frank Tough, Tim Holzkamm, Bonny McKay, to name a few from west to east coast.

Sharma’s initial “strawman,” cited in the preface of this review, needs to be questioned. With the history of Aboriginal fisheries in Canada it is no surprise that there is a struggle over Aboriginal fishing rights, a struggle that increased since Aboriginal and Treaty rights were enshrined in the Canadian Constitution (1982, [s.35(1)]). Before 1982 the federal government, through the Department of Fisheries and Oceans, and provincially through various Ministries of natural resources and fisheries, negated Aboriginal and Treaty rights to fish resources. I have spent the last five years studying Cree and Ojibwe knowledge of lake sturgeon (which they call namaew/name), and I can tell you that the historical displacement of Aboriginal fisheries occurred in Manitoba over a hundred years ago. In British Columbia, Salmonids are the main resources and the displacement of Aboriginal salmon fisheries mirrors what occurred a hundred years earlier in the east. That is until 1982.

The struggle has changed due to the Constitution. The focus on the right to fish as a cultural right to resources, a right to subsistence, and a right to commercial development, is indeed profound and misleading. The complexity of this “rights discourse” is based on a complex set of developments, including changing environmental histories, political and social developments, and a concentration of global capitalism through industrialization of fishing. The significant limit of this book is the research and analysis ends in 1996. Since then the Supreme Court has decided on the nature and test of Aboriginal title in the *Delgamuukw* decision (1997). It would be interesting to know how the analysis in this book would change when *Delgamuukw* is factored in. Does the decision further mystify and thwart Aboriginal economic and political development? Has the Supreme Court managed to integrate First Nations into the Canadian body politic? Has the establishment of Aboriginal title as a *sui generis* notion of collective title impinged further on the question of minority rights? Read *Aboriginal Fishing Rights* along with other fine books such as *Fishing Places, Fishing People: Traditions and Issues in Canadian Small-Scale Fisheries*.

References

- Diane Newell and Roesmary E. Ommer (eds.)
 1999 *Fishing Places, Fishing People: Traditions and Issues in Canadian Small-Scale Fisheries*, Vancouver: University of British Columbia Press.
- Royal Commission on Aboriginal Peoples
 1996 *Restructuring the Relationship. Part 2, Vol. 2*, Ottawa: Minister of Supply and Services Canada: 421-735.

Susan F. Hirsch, *Pronouncing & Persevering: Gender and the Discourses of Disputing in an African Islamic Court*, Chicago: University of Chicago Press, 1998, xiii + 360 pages.

Reviewer: *Blair Rutherford*
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Through carefully interweaving current thinking from linguistic and legal anthropology, feminist theorizing, and postcolonial Islamic and Africanist research into a multilayered text, Susan F. Hirsch has provided a rich, insightful and powerfully argued ethnography on the performance of disputing marital conflict in Islamic Kadhi Courts of Swahili communities in coastal Kenya. This latest book from the “Language and Legal Discourse” series from the University of Chicago Press pushes boundaries in many (sub)fields while offering an engaging understanding of current gender politics in an Islamic setting in postcolonial Africa.

Hirsch frames her ethnography around a current postcolonial feminist dilemma: how to understand, and write about, gender hierarchies without reifying nonwestern women into agentless victims or, the reverse, celebrating their “agency” in a way that whitewashes very real hierarchies and inequities. The dilemma is especially acute for Hirsch given her subject matter: Islamic women and Islamic law. A well-established academic and feminist literature, as well as common conventional understanding in North America (and elsewhere), depicts Islamic women as literally silenced by Islamic law, assuming that throughout the “Islamic world” this institution provides very few legal rights and protection for women and thus contributes to their general oppression under Islamic patriarchy (in contrast, as the established narrative goes, to the freedoms western women enjoy under liberal democracy). This image does resonate with a dominant discourse amongst Kenyan Swahilis regarding marital disputes which is summarized in the book’s title: the husbands are authorized to make legal pronouncements of divorce while wives are encouraged to silently persevere through marital hardships. Yet, as Hirsch carefully and persuasively shows, alternative gender relations have been effected through this hegemonic discourse, thereby exposing its own limits as well as those of western essentializing discourses. For the catch, Hirsch’s route out of this dilemma, is that since the 1970s Swahili women in Kenya have not only been initiating but also, and more importantly, been winning

the vast majority of marital dispute cases handled by the Kadhi's Court, the state-recognized institution that deals primarily with family law matters between Muslims in Kenya.

To make her case, Hirsch draws on various forms of evidence, especially the following: linguistic and feminist research on understanding legal disputing as well as gender relations and subject positions through narratives, performance, and discourse; her own ethnographic understanding of Swahili family dynamics and, particularly, concerns over respectability; and the changing position and attributes of the Kadhi Courts in postcolonial Kenya at the level of national legislation and Swahili community politics. Although she has a chapter on broad themes in the rich ethnography and historiography of Swahili communities, the key to her analytic argument is the unpacking of the linguistic means, features and contexts that have enabled Swahili women to generally win their cases by telling stories of family troubles which, in turn, opens themselves up for moral censure.

Through careful linguistic examination of the interactive speech of case transcripts she recorded in the 1980s and the broader enduring frameworks of discursive formations and linguistic ideologies that inform (but not determine) the court narratives of conflict, Hirsch asks the reader to understand the complicated and contradictory ways Swahili women and men are constituted as gendered speakers and subjects in court and how that has helped to transform gender relations. In particular, she focusses on how women narratively perform compelling stories of themselves as persevering wives in a context of family tumult. This performance of gender not only facilitates their victories in divorce and maintenance cases in Islamic courts but, at the same time, exposes them to censure for exposing family secrets, a trait Swahilis commonly associate with women. Thus these women simultaneously challenge and reinscribe gender hierarchies through their victories. Nonetheless, she stresses that by reworking gender relations in court and, she alludes, through other contexts, these Swahili women may, with an emphasis on the contingency of social action, be transforming gender hierarchies on a broader scale.

But, as Hirsch reminds us, for many of the women in her book, this is not a struggle waged under the icon of "women," but through being "persevering wives." Through attending to such culturally specific processes of gender hegemony and struggle, her ethnography demonstrates a felicitous analytical and political direction for postcolonial feminist anthropologists to follow—one that neither reifies nor romanticizes Islamic African women but rather examines the localized cultural and linguistic politics in which they wage their struggles.

Although I think that Hirsch's argument would be stronger if she included more evidence of the views of different Swahili women and men about this change in court results since the 1970s, and of the ways in which these court victories by Swahili women are effecting other changes in gender relations more widely in Kenyan coastal communities,

I find her ethnography to be an astute example of the importance of attending to discourse at a variety of levels and in particular contexts to understand how social hierarchies are perpetuated and challenged in complex ways. Despite being theoretically dense in a few places, given the range of debates covered and the current importance of Hirsch's argument for those anthropologists (and others) engaged in understanding and debating postcolonial politics, *Pronouncing & Persevering* is an excellent ethnography for many, many audiences.

Wendy James and N.J. Allen (eds.), *Marcel Mauss: A Centenary Tribute*, New York and Oxford: Berghahn Books, xii + 260 pages.

Reviewer: Andrew P. Lyons
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This volume contains a selection of papers from a 1998 conference at Oxford which celebrated the centenary of the *Année Sociologique*. The editors are to be congratulated for assembling a diverse collection of stimulating papers. There is barely a weak one in the bunch.

A paper by the Russian sociologist, Alexander Gofman, wittily pinpoints a central problem in Maussian scholarship:

One could easily formulate a quasi-law whereby the more a theory or a concept is clear, well defined, and open to unequivocal interpretation, the less are its chances of success within the community of sociologists. And conversely, the more a theory or concept is ambiguous, obscure and confused, the more it is likely to dominate the sociological mind. (p. 64)

Mauss's work, like that of Marx and other important writers, is "rich in ideas but incomplete." It is full of ambiguities. Gofman and other contributors note and in varied ways evaluate the deceptive transparency of such notions as *the gift*, *total social facts* and *l'homme total*. Beyond doubt, they are Mauss's most influential concepts, but he did not advance consistent definitions for them. For example, Gofman observes that *total social facts* may denote the idea of social holism, which includes not merely all social institutions but the *totality of the actor*, individual and collective. More specifically the concept refers to institutions which are *total* inasmuch as they are simultaneously religious, political and economic in nature. For my own part, I always thought that the last of these meanings was primary.

No less than four essays (Tim Jenkins, Alain Testart, Paul Dresch, Ilana Silber) are devoted to the evaluation of the arguments of the *Essai sur le don*. In the first half of his paper, Jenkins outlines Derrida's critique of Mauss which has been advanced in *Donner le temps* (1991) and a couple of early essays. Derrida has developed an ideal-typical picture of the gift. Basically, it should not appear to be a gift at all. There can be no principle of reciprocity, because any acknowledg-