

ography would greatly benefit all readers and contribute to this book's value.

As a college textbook on magic and alternative beliefs and as a library general reference acquisition, this book is a valuable contribution to the ongoing discussion on the occult in Western tradition.

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Law and Colonial Cultures: Legal Regimes in World History, 1400-1900, by Lauren Benton. *Studies in Comparative World History*. Cambridge, Cambridge University Press, 2002. xiii, 285 pp. \$75.00 US (cloth), \$23.00 US (paper).

Charles Darwin divided taxonomists into lumpers and splitters. Lumpers seek general unifying characteristics and broad categories of analysis. They see similarities. Splitters seek precise definitions and see differences. Lauren Benton is a lumper. Her book is an example of the way the world history can see and analyze historical phenomena. At the core of this book is a simple insight: where two societies are in contact, whether the relation is one of domination or merely culture contact, the dominant and the dominated must have law to regulate conflict and that law usually involves accommodation and adaptation. Colonial regimes usually lacked the power to impose their own law and often had no desire to do so. It was also convenient to use indigenous legal traditions to govern native peoples. However, within colonial regimes, there was a gradual shift from legal pluralism to state-dominated law. A major factor in this process was that native peoples and marginal groups learned quickly to use the courts of the dominant power, and in the process often helped shape its law. Though Benton has done research in Spanish primary sources, most of the book is based on secondary material.

Benton goes well beyond what we would define as a colonial situation. After a theoretical chapter, she looks at "Law in Diaspora." First examining the way canon and secular laws compete in the Iberian states and how that competition shapes the extension of law to the colonies, she then explores institutions of conflict resolution that affect relations with maroons, pirates, and other marginal groups. She also looks at commercial diasporas and the ways they relate to host states. The next four chapters each present several case studies around which she makes generalizations that she tests against other cases. Chapter four compares the Spanish and Ottoman empires. The Spanish used native law, which was administered by both native and Spanish judges. Among the Ottomans, there was a tension between *shari'a* and administrative law similar to the conflict between canon law and administrative law among the Spanish. The Ottomans also allowed non-Muslim minorities to regulate their own social relationships.

Chapter four examines pluralism in the legal systems of British Bengal and French West Africa. In both cases, the colonial power did not want the expense of an elaborate court system, but they faced pressure from both European eco-

conomic interests and missionaries anxious to abolish some indigenous institutions. They also had to regulate various conflicts and provide a legal arena which could be used by local people who became very adept at using colonial law to further their interests. The gradual shift to state hegemony did not stop the efforts of local people to seek favourable forums and to use whatever opportunities the law set up. The process of change was not straightforward and was shaped both by differences between the colonial powers and between the societies governed.

While chapter four looks at the confrontation between colonial rulers and highly structured societies, chapter five discusses the relations between settler societies and more decentralized societies in South Africa and New South Wales. These were areas the settlers saw as *terra nullius*, but there were people there and the colonial rulers had to deal with them. Settlers often sought the extermination of both the South African Khoi and the Australian Aborigines and had difficulty recognizing that they had law. The state preferred to see them as outside colonial jurisdiction, there was constant conflict, the settlers wanted their lands, and both groups gradually found themselves pulled into the colonial economy as a source of labour. The Khoi and the Australian aborigines often first experienced the courts as defendants in criminal cases, but they too learned to use European courts. In both cases, the legal status of the indigenous people was a central question, and remained crucial until late in the twentieth century. In a sense, Benton's Khoi study is a pre-history of apartheid.

Chapter six looks at the question of extra-territoriality, starting with Uruguay and then comparing the question to other examples. On first reading, it seems hard to fit this into the questions being posed in the other chapters, but by the end of the chapter Benton has shown how it is crucial to her argument. Extra-territoriality was largely a function of informal empire. Uruguay was created in an underpopulated borderland between Brazil and Argentina and largely because it was a borderland. It had a very large population of foreigners, many of whom sought the protection of their home countries, both Uruguay's neighbours and the European powers. The legal status of foreigners was central to the process of state-making, but the rules governing extra-territoriality could not contain the legal strategies that challenged them. In Uruguay, as in China and the Ottoman empire, extra-territoriality was the focus of nationalist efforts to get rid of what was seen as a symbol of foreign domination. In the final chapter, Benton links what she has written to certain larger questions, in particular a debate between E.P. Thompson and Ranajit Guha about whether the law is simply an instrument of class domination, in this case, colonial interests, or whether the rule of law regulates class relations in the instrument of the larger social order.

All of this is handled with elegance and very succinctly. This is a very readable book. It will be useful to students and to those constructing courses on world history or colonialism. I found the argument very persuasive, though there were some places where I saw great differences. Splitters will undoubtedly find fault with some of Benton's attempts to lump things together, though even there, many will be challenged to develop counter-models. The endeavour is a necessary one if we are to make sense of Europe's colonial experience. Benton forces us to

think about one of the central themes of modern history, the extension of colonial rule.

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The Specter of Genocide: Mass Murder in Historical Perspective, edited by Robert Gellately and Ben Kiernan. Cambridge, Cambridge University Press, 2003. 396 pp. \$65.00 US (cloth), \$22.99 US (paper).

The field of genocide studies grew by leaps and bounds in the 1990s. Confronted with ethnic cleansing in former Yugoslavia and genocide in Rwanda, scholars and those who fund their work increasingly turned their attention to the contemporary and historical phenomena of mass killing. Holocaust studies similarly grew in importance and relevance, as new sources about the Third Reich and new Anglo-American and German scholarship on its murderous campaign against the Jews fueled a richer and more nuanced understanding of the “road to genocide.” Although the Turkish authorities continue to block access to relevant Ottoman archives, Armenian and, in some cases, immigrant Turkish scholars have made important advances in the documentation of the Armenian genocide. The fall of the Soviet Union in 1991 gave further impetus to the study of mass murder, providing rich sources for historians interested in the eliminationist war on the eastern front, as well as for scholars who finally had the opportunity to use formerly secret archives for researching the catastrophic episodes of mass murder that permeated Stalin’s bloody regime. At the end of the 1990s, the political trajectory of the international system also prompted hopes among scholars of genocide and human rights activists that international military actions in Kosovo and East Timor created new norms for intervention in genocidal situations. The slogan “Never Again” would finally have some meaning to it.

The events of 11 September 2001, the “war on terrorism,” and the invasion of Iraq that followed have altered the trajectory of the international system in ways that remain unpredictable. Meanwhile, genocide and human rights issues — presently one could point to ethnic cleansing in Sudan — have been relegated to the back burner of international attention. But scholars continue their work, based on the accumulated new sources and analyses. The publication of the volume by Robert Gellately and Ben Kiernan should be seen as an important moment in this story. The editors have put together an outstanding group of contributors, who, in many ways, represent all the best in the new scholarship. The contributions are geographically and historically wide-ranging, including Bali (Leslie Dwyer and Degung Santikarma), Ethiopia (Edward Kissi), and Guatemala (Greg Gandin), as well as the better-known cases of the Armenian genocide (Jay Winter), the Holocaust (Robert Gellately), Yugoslavia (Jacques Semelin), and Rwanda (Robert Melson). There is an interesting discussion of the genocides of indigenous peoples by Elazer Barkan and a careful analysis of the