to be considered orthodox historiography in today's China. Mitchell also demonstrates that non-European perspectives on international law can be more reliable than the fantasist narratives of Western mainstream international law. To return to the genre of book review clichés (and gentle jabs), all scholars working in the fields of international law and Chinese law would do well to put aside considerable time for reading Mitchell's significant personal achievement.

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Berihun Adugna Gebeye, **A Theory of African Constitutionalism**, Oxford University Press, Oxford/New York 2021, 272 pages, $110.00, ISBN: 978-0-19-289392-5

It has become almost cliché to say that Africa lags behind as an object of comparative constitutional study.[1] That sadly remains the case, the concern of comparative constitutionalists notwithstanding.[2] Hence, the mere sight of a publication by an African constitutional law scholar on Africa should attract applause, if not an ululation of the kind associated with bride-unveiling or circumcision ceremonies in many African cultures. Indeed, when Gebeye was invited by Diritti Comparati in 2021 to talk about his book, he said that he was not planning to write a book on a theory of African constitutionalism until during his research, he realised the sheer lack of general theoretical engagement with the idea and practice of constitutions and constitutionalism in Africa.[3] The book that is the subject of this review by Gebeye must nonetheless, not be considered merely as a piece by an African on Africa published by a reputable publisher. Rather, as I later show while campaigning for its readership, it is a valuable contribution to the constitutional law discourse in Africa and beyond. The topic of Gebeye's book, "A Theory of African Constitutionalism" suits the publication given what is proffered; it proposes and justifies a different theoretical supposition with which to understand African constitutionalism.

A Theory of African Constitutionalism is essentially a nine (9) Chapter book, though it has seven (7) substantive ones titled as such. After a brief Introduction, the book starts by justifying the need for a different theoretical basis for understanding African constitu-

1 See e.g. *Ran Hirschl*, Comparative Matters: The Renaissance of Comparative Constitutional Law, Oxford 2014, p. 5; *Henry K. Prempeh*, Africa's "Constitutionalism Revival": False Start or New Dawn?, in Eunice Sahle (ed) Democracy, Constitutionalism and Politics in Africa: Historical Contexts, Developments and Dilemma, New York 2017.

2 *See Duncan Okubasu Munabi*, Real Constitutional Change in Sub-Saharan Africa after the Third Wave of Democratisation: A Comparative Historical Inquiry, Utrecht, 2021, p. 29.

3 *Berihun Gebeye*, A Theory of African Constitutionalism, Oxford 2021.

tionalism. This is Chapter 1 that defines and critiques the two approaches previously deployed as an attempt to unravel constitutionalism in Africa (legal centralism and legal pluralism) and also introduces syncretism and the promise it bears. Chapter 2 uses the theory (legal syncretism) to understand the transformation of African constitutional orders from pre-colonial to postcolonial era. Here, the theory's first dividend pays off as he refutes the epistemological concern associated with legal centralism whose terms were that "Africa was pre-constitutional before European colonialism" (p. 71). This task is continued in Chapter 3 that uses the theory to understand constitutional architecture and implementation. Chapters 4, 5 and 6 appropriate legal syncretism to understand federalism and devolution of power, executive authority and the protection and realisation of the rights of women in Africa, with insights from Nigeria, South Africa and Ethiopia respectively. The last substantive section, Chapter 7 predicts the future of African constitutionalism in light of legal syncretism. There is then a short conclusion that summarised the study and what it has achieved.

Three arguments are apparent in the book. First, that existing theoretical viewpoints that try to understand Africa's encounter with constitutionalism are insufficient. As observed in the book, there has been an ongoing discussion about constitutionalism in Africa. This conversation, Gebeye contends, is undertaken in terms of "legal centralism" and "legal pluralism" (Page 1). As justification for the book, he contends that these two analytical paradigms have limitations and remain inept tools for understanding the development, evolution and actual working of constitutional norms in African political orders. To address this problem, he appropriates the term "syncretism" from theological, anthropological and political studies and reworks it towards a teleological theory for the venture that ensues in the other parts of the book. Legal syncretism, Gebeye says, is "the process and result of adoption, rejection, invention, and transformation of diverse and seemingly opposite legal rules, principles and practices into a constitutional state with imperial or colonial legacies." (p. 33). The second argument in the book is that constitutional design and implementation in Africa can be explained in a much better way in the prisms of legal syncretism. In this regard, though a contemporary understanding of federalism, executive authority and rights of women are not endogenous to precolonial conceptions of governance in the African political space, African notions, experiences and realities have defined their nature and implementation in African constitutional systems. This can be clearly seen when one onboards legal syncretism as an analytical tool of decrypting constitutional design choices in Africa. The third claim made is that armed with "legal syncretism" one is able to see and engage with four categories of norms that constitute the "constitutional matrix" in Africa. These are (a) pre-colonial institutions, (b) international law, (c) colonial law and, (d) liberal democracy (p. 238). Since Africa's encounter with international law, these norms have been interacting in a way that each of them has modified the other's nature and, perhaps, influence. This state of affairs creates what Gebeye terms "existential problems." Hence, to any researcher interested in the failure of liberal constitutionalism as a western idea in Africa, an answer may lie either in the countering influence especially of endogenous

norms that have been in circulation in the social and political space, or in the difference between design choices in western nations vs. in Africa. (p. 175). On account of these three arguments, the book makes a substantial contribution to constitutional research in Africa.

Like any other book though, Gebeye's is not entirely free from concerns. In the main, what constitutes "African constitutionalism" does not receive deserved attention, let alone that he defines the phenomenon and uses it in contestable terms. At page 2 of the book, he defines African constitutionalism as "a set of concepts, principles, practices that *arise* from the experiences, interactions, and contestations of power and governance from pre-colonial times to the present and are in turn used to organise, limit and enable political power in African states". He hastens to add that there is no "uniform and singular experience of constitutionalism in all African states". However, that there are some "unique constitutional features that all African countries have in common". It is contended in this review that first, Gebeye does not go ahead to identify the unique features shared by African constitutional systems which his general theory aims to help us understand. As he rightly points out, constitutional practices are diverse. Without going ahead to identify these shared features, it is problematic to say what African constitutionalism really is. Further, what may be thought of as shared attributes may actually be traceable in other non-African countries too. In the same vein, it seems incautious not to separate Sub-Saharan Africa from North Africa. This is largely because failure to add a fourth matrix, that being "Islamic concepts", to a discussion on de facto constitutionalism in Northern Africa readily renders the venture liable to serious challenge.[4] The second probable criticism, is the extent to which legal syncretism is used as an analytical tool in other post-colonial societies -not just in Africa- especially in Asia or Latin America to understand constitutionalism in those places. If it turns out to be relevant, then the theory's label as "African" is problematic. Lastly, a focus on the descriptive (de facto/real) rather than formal constitution of a polity and how it evolves over time may actually redeem legal centralism from its limitations, so that legal syncretism's justification may not be less fortified.[5] All in all, and the concerns flagged about the book notwithstanding, the contribution by Gebeye is laudable, it provokes us to think about constitutionalism in Africa and deserves readership.

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4 *Thierry Le Roy*, Constitutionalism in the Maghreb: Between French Heritage and Islamic Concepts. in: Rainer Grote and Tilmann J. Röder (eds.), Constitutionalism in Islamic Countries: Between Upheaval and Continuity., Oxford 2012.

5 See e.g., Duncan Okubasu Munabi (note 2).