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DOI: https://doi.org/10.38140/sjch.v48i1.7444

ISSN 0258-2422 (Print)
ISSN 2415-0509 (Online)
Southern Journal for Contemporary History

2023 48(1):141-143

PUBLISHED:
30 June 2023

BOOK REVIEW

Susanne Verheul, *Performing Power in Zimbabwe. Politics, Law, and the Courts since 2000*, Cambridge: Cambridge University Press, 2021, xiii + 265 pp. ISBN 978-1-316-51586-0.

In *Performing Power in Zimbabwe: Politics, Law and the Courts since 2000,* Susanne Verheul joins a growing body of literature on the political economy of law. Coming hard on the heels of George Karekwaivanane's book[1], readers would understandably be curious to know how she constructs her story differently. This is because, *prima facie*, both books examine substantially similar issues, that is, the intersection of law, politics and the state in Zimbabwe. However, unlike other historical and socio-legal studies that look at the law as just a façade to mask the violence of the rule of repressive regimes, or in the words of Mohamed Sesay[2], as an instrument for the domination of the rest of society by the ruling classes, Verheul takes a broader view of the law and its character. To her credit, she transcends the binary of repression and resistance to suggest that the courtroom and courtroom performances provide a platform for the negotiation, performance, and contestation of state authority and notions of citizenship. In doing so, she uses the case study of Zimbabwe to demonstrate the complexity of the law, particularly its entanglement with history. The book is based on solid evidence gleaned from semi-structured interviews, legal documents and, most importantly, courtroom

1 GH. Karekwaivanane, *The struggle over state power in Zimbabwe: Law and politics since 1950* (Cambridge: Cambridge University Press, 2017).

2 M Sesay, *Domination through law: The internationalization of legal norms in postcolonial Africa* (Lanham: Rowman & Littlefield Publishers, 2021).

ethnographies. I particularly commend Verheul for observing 59 court sessions in three different cities and interviewing 76 various stakeholders within the criminal justice system as part of her research for this book.

The choice of Zimbabwe as a case study provides Verheul with a perfect opportunity to explore her ideas on the intersection of politics, law and the courts. This is because the law and the courts occupied a central position in Zimbabwe's winding state-making history across the colonial-postcolonial divide. The specific way in which colonial rule was established in the territory that later became Zimbabwe saw law, and by extension, the courts, principally acting as instruments of securing, protecting, and promoting a white male supremacist capitalist social and economic order. The situation did not fundamentally change after independence as the post-colonial state deployed the law to deal with its perceived enemies. This became more pronounced at the turn of the century when the ruling Zimbabwe African National Union–Patriotic Front (ZANU-PF), faced the threat of electoral defeat at the hands of the then newly formed Movement for Democratic Change (MDC). This saw the increase in trials of individuals accused of political offences, thereby generating multiple "performative legal engagements" in courts as spaces of performances. Verheul pursues these in a way that expands our understanding of the law and its purpose by a portrayal of courts as sites for the expression of competing conceptions of political authority and where people form and perform their understandings of themselves.

To tell her story, Verheul divides her book into eight chapters, with Chapter 1 focusing on the legal history of Zimbabwe to set the context for the study. The manner in which colonial rule was established in Zimbabwe was such that law became critical in earlier efforts at state-making. It became a tool for asserting state hegemony and coercion. However, as Karekwaivanane shows in his book, differences emerged between the colonial legal and native affairs departments over the use of law as a mechanism for racial and economic discrimination. In Chapter 2, Verheul uses the divisions within the Attorney-General's Office to reinforce the "fragmented" nature of state hegemony. The emergence of two categories of prosecutors despite the highly politicised nature of the office reveals how "rebel prosecutors" imagined the law and its purpose as primarily for the dispensation of substantive justice based on "professional" conduct.

The theme of the politicisation of institutions is carried through to the third and fourth chapters. Chapter 3 presents the experiences of two citizens, Patrick and Father Mkandla, and Chapter 4 that of young political activists facing persecution by the state. In the former case, by persistently reporting cases of political violence to conspicuously unwilling police officers and reminding the police of their duty to receive the reports, the two were

exercising their rights-based citizenship. In doing so, they asserted their imaginations of legitimate state authority and how it should be exercised. On the other hand, the young activists covered in Chapter 4, used courtroom performances to assert their idea of the rights of the citizenry, in the process criticising the excesses of the state. The "performances" take place in a courtroom whose material and sensory conditions were deployed by defence lawyers to contest state authority.

The dilapidated courtroom furniture and the "sounds" and "smells" of the court environment were all deployed to demonstrate the decay and illegitimacy of state authority. It is the same approach that is taken in the treason trial of Gwisai and others covered in Chapter 6. In that case, defence lawyers used courtroom performances, including parading the wounds and bruises inflicted on the accused persons, to delegitimise state authority and assert an alternative state they envisioned. On the other hand, the state, through its key witness and the prosecution, sought to construct its own narrative that portrayed Munyaradzi Gwisai and his colleagues as enemies of the state bent on overthrowing a constitutional government. Focusing on Matabeleland, chapters 7 and 8's significance lies in demonstrating how the legitimacy of law was entangled with historical narratives connected to Gukurahundi.

While the book is generally well written, there are some errors that need to be highlighted. First, it is not entirely accurate that Zimbabwe was known as Rhodesia until 1962 (p. 17). The territory's name changed over time. It became known as Southern Rhodesia to distinguish it from Northern Rhodesia (present-day Zambia) and only became Rhodesia at the collapse of the Federation of Rhodesia and Nyasaland in 1963. Second, the Rhodesian Front's electoral victory did not take place in 1963 (p. 38). Instead, formed in March 1962, the party won elections in December of the same year. Third, the author consistently conflates ZANU-PF as a political party with the ZANU-PF government. While ZANU-PF is the ruling party and controls the government, it is important to make a distinction between the two, as there are instances when the party acts outside the government. Finally, because the book focuses on Zimbabwe's criminal justice system, it is important to use court jargon applicable to Zimbabwe. For instance, the use of the term "defendant" is applicable to civil and not criminal matters. In criminal cases, the correct term is "accused person". In the same vein, what is termed the "prosecutors' bench" in the book is, in fact, known as "the bar", with "the bench" being used for judicial officers. However, these minor issues aside, in *Performing Power in Zimbabwe: Politics, Law and the Courts since 2000*, Verheul adds a fascinating dimension to Zimbabwe's legal history. The book deserves to be on the shelves of those interested in the legal history of Zimbabwe.