

den ausführlich erörtert und je nach der Anzahl der gegebenen Entscheidungshilfen werden „perfekte“, unvollständige und offene Diskriminierungsverbote unterschieden. Hinsichtlich der Rechtsgrundlage werden das gewohnheitsrechtliche Verbot einer antisozialen oder antifunktionalen willkürlichen Rechtsausübung („abus de droit“) und die vertraglichen Diskriminierungsverbote unterschieden. Bei letzterem muß aus dem Präzisionsgrad der Formulierung und aus dem Parteiwillen ermittelt werden, ob es sich um ein „striktes“, jede Diskriminierung untersagendes oder nur um ein Verbot willkürlicher Diskriminierung handelt. Neben der verbotenen und der erlaubten wird weiter der Tatbestand der gerechtfertigten Diskriminierung unterschieden. Ein Verschulden ist nach Kewenig im Bereich der vertraglichen Diskriminierungsverbote regelmäßig nicht Haftungsvoraussetzung. Inhaltlich verpflichten die vertraglichen Diskriminierungsverbote grundsätzlich zur materiellen und nicht nur zur formellen Gleichbehandlung, jedoch nicht auch zu einer über die rechtliche Gleichstellung hinausgehenden, tatsächlichen Gleichstellung mittels eines Ausgleichs tatsächlich unterschiedlicher Startbedingungen durch rechtliche Vorzugsbehandlung. Auch die Frage, ob eine „absolute“ („omnibus idem“, z. B. bei der Zoll-Meistbegünstigung) oder eine „relative“ Gleichbehandlung („suum cuique“, z. B. bei der mengenmäßigen Nichtdiskriminierung) geschuldet wird, läßt sich nur anhand der Umstände des Einzelfalles beantworten. Eine ergänzende Pflicht zur Ungleichbehandlung ungleicher Sachverhalte besteht nur bei der Zusicherung relativer Gleichheit.

Kewenigs Arbeit stellt insgesamt einen wichtigen völkerrechtlichen Diskussionsbeitrag dar. Die sich stellenweise im Begrifflichen und teils in einer übersichtlichen Zusammenstellung und Diskussion der bisherigen Lehrmeinungen erschöpfende Darstellungsweise dürfte dabei für die Klärung der oft vorwiegend terminologischen Problematik unvermeidlich sein. Als besonderer Vorteil der gedanklich überzeugenden Untersuchung ist die umfassende Berücksichtigung der Völkerrechtspraxis und Literatur zu nennen.

E. U. Petersmann

AGNES KLINGSHIRN

The Changing Position of Women in Ghana

Doctoral Dissertation, Universität Marburg, Pp. 306 (1971)

The literature on women's position in society has increased at an astonishing rate within the last few years. Unfortunately, most of it is of a sensational and popular character, aimed at making maximum profit out of the current interest in everything concerning women. Dr. Klingshirn has written a book of a different nature and of its type, one can find only a few examples. Simone de Beauvoir's *Deuxième Sexe* springs to mind. But the approaches of the two authors are different: whereas the French philosopher tackles the problems of women in all societies and at all times, and thus leaves herself open to charges of superficiality and generalization, the German sociologist concentrates on the problems of Ghanaian women. Moreover, Agnes Klingshirn, who was a student at the University of Ghana, did field work in Larteh and much of what she tells us, is carefully limited to the situation of women in this small town in Southern Ghana. But her general conclusions are applicable to most areas in Ghana and perhaps to other parts of West Africa. The first part of the book is a general survey with emphasis on

family and kinship whilst the second part is an analysis of certain areas of social life.

In traditional society, the woman had a secure and well-defined position within the system of social relationships. She knew her rights and duties. But this well-defined position was based on the presupposition that she was inferior to man. This inequality was hardly challenged and indeed it was so well internalized by most women that they could hardly perceive it. Changed socio-cultural conditions made these inequalities and dependences more and more evident.

Throughout her life, the Ghanaian woman is dependent in all her primary relationships: parents, husband and in old age, her children. Her marriage partner is chosen by her parents who are more concerned with preserving lineage property and the extended family than with her emotional needs and affections. In marriage, she serves her husband and bears him children whose care is her primary concern. Her chances of succession to valuable property are very limited.

Polygamy and easy divorce constitute a source of severe economic insecurity for women, especially in their old age when they are easily abandoned by their husbands who are then more sensitive to the charms of younger ladies.

The social life of a Ghanaian woman is often very limited. Her full attention is absorbed by the care of her children and as a result she does not participate in public life to any great extent. The husband represents the family in the outside world.

The same kind of inequality obtains in the area of sexual relations. Indeed, the author writes about the "sexual suppression" of the woman. She is not allowed to have sexual relations with anyone except her husband who nevertheless can always resort to polygamy to satisfy his libidinal desires. Dr. Klingshirn may have exaggerated the sexual liberties accorded to a man in traditional society but one must agree with her that "In traditional society, it is much more difficult for the woman to realize her desire for sexual pleasure and individual happiness than it is for the man" (p. 129). The various socio-economic changes brought about by the introduction of money economy, industrialization and urbanization have effected the position of the woman. Her economic dependence is being gradually reduced and with increased opportunities in education, her earning capacity is also being improved. Christianity and Western ideas have left their mark on marriage and divorce, and polygamy is on the defensive everywhere. The modern political system has given her the chance to participate in public life to an extent which was unknown in the traditional society. But these changes have not been fully realized in this transitional period and they bring with them other contradictions and difficulties for the woman.

In the place of the traditional security, she now finds insecurity and disorientation. She can no longer count on the support of the extended family for the education and welfare of her children. The old woman who no longer plays an important role in the socialization of the young finds that she can also no longer depend on her children for support. The trends perceived in this transitional period are analysed in detail in the second part of the book.

Exclusion of women from lucrative activity seems to be a basic fact of Ghanaian economic life (excepting of course the market women and other small traders). Where there has been a change, e. g. in agriculture, it is mainly because the men are moving to better paid jobs in new areas, such as in the industrialized sector.

Thanks to the effort of the Ghanaian government and the missions, more and more women have been given the opportunity to attend schools and colleges. But even here, there is still an enormous difference between the chances of boys and girls. As we move up the educational system, the number of girls decreases. A similar trend may be noticed in the professions. At the elementary and secondary levels of teaching, we find many women but at the level of the university, only few women are employed. In law, medicine and engineering, women are not much in evidence. We must however realize that there are no legal or official discrimination against women in any profession in Ghana.

In political and public life, there has been considerable improvement in women's position. The Nkrumah government made great efforts to draw women into political life and some women were elected to parliament and other constitutional bodies. But men still dominate political life in Ghana even though the women have become more articulate and aware of the need to defend their own interests.

Dr. Klingshirn is on the whole very objective and prevents her own personal preferences from intruding into this book. At various points in the work one sees glimpses of new and radical perspectives but they are not developed further and all her criticisms are very moderate. True, she states at the end that "it is necessary to bring about radical changes" but she does not elaborate on this.

These criticisms do not in any way detract from the high standard of this valuable and original work which should encourage more scholars to study the difficulties facing women in African society and perhaps stimulate some women to take action.

Kwame Opoku

HANNS-ALBERT STEGER (Hrsg.)

Die aktuelle Situation Lateinamerikas

Akten des Zweiten Wissenschaftlichen Übersee-Kolloquiums

Athenäum Verlag, Frankfurt, 1971

Dieser Band enthält die Akten des Zweiten Wissenschaftlichen Übersee-Kolloquiums der Universitäten Westdeutschlands und Westberlins, das unter der Schirmherrschaft der Westdeutschen Rektorenkonferenz und der Universität Münster vom 6. bis 21. November 1967 in Münster, Dortmund, Bonn, Bad Godesberg und Berlin durchgeführt wurde. Das erste Übersee-Kolloquium (unter „Übersee“ ist Lateinamerika gemeint) hatte 1961 stattgefunden. Im Zusammenhang mit der Vorbereitung des zweiten Kolloquiums sind hauptsächlich die Einrichtungen „Kontaktprogramm zur sozialwissenschaftlichen Forschung in Lateinamerika“ im Rahmen der Sozialforschungsstelle Dortmund und ihr Leiter, Hanns-Albert Steger, hervorgetreten. Die später erfolgte Eingliederung des Kontaktprogrammes in die neue Universität Bielefeld und die damit verbundenen Überleitungsprobleme haben, nach Angaben des Herausgebers, die Verzögerung der Publikation der Akten verursacht.

Ein Drittel der Kolloquiumsteilnehmer war aus Lateinamerika gekommen. Unter den Sozialwissenschaftlern aus dem Subkontinent befanden sich so bekannte Persönlichkeiten wie der Soziologe Gilberto Freyre und der Ökonom Celso Furtado (Brasilien), der argentinische Historiker José Luis Romero und der Soziologe Orlando Fals Borda (Kolumbien). Ihre Gesprächspartner auf deutscher Seite waren eine damals noch sehr kleine Gruppe von „Lateinamerikanisten“,