

Twomey, Mathilda (2017). *Legal métissage in a micro-jurisdiction: The mixing of common law and civil law in Seychelles*. Wellington, New Zealand: Comparative Law Journal of the Pacific, Collection *Ex Professo*, Volume VI, printed by City Print. 216pp, pbk. Also available as open source at: <https://www.victoria.ac.nz/law/research/publications/about-nzacl/publications/special-issues/Twomey.pdf>

Legal métissage is an interesting and much needed contribution to the sparse legal scholarship of Seychelles. It is a book with many intertwining narrative levels. Mathilda Twomey opts for a ‘legal tradition approach’ to her analysis. In so doing, she provides a biography of a young small island state and the ongoing evolution of its legal system. The book offers a richly detailed yet critical historical account, starting from the first settlements in the 1700s all the way to modern times, in an effort to draw a picture beyond the dry black letter of the legal system. In doing so, Twomey conveys the deep roots of a *sui generis* legal (and national) culture. Of particular interest is the analysis of the interplay between the ‘wholesale’ model of exportation of the French ‘national patrimony’, inclusive of comprehensive codifications, with the more subtle and ‘consensual’ form of British legal imperialism.

Beyond its core topic of interest – the Seychelles legal system – this book makes an important contribution to colonial and post-colonial scholarship as it reflects upon an all too often forgotten small country. Its peculiar history, which saw in succession French and British rule, did not begin with the shocking experience of conquest and occupation, as its islands had no indigenous population. Yet, the author astutely describes how colonialism found its way in the country, through the racial and class divisions that saw white settlers benefitting from the laws of their homeland, while slaves were bound to the *Code Noir*. This initial disparity was maintained, in evolving forms, during British rule, arguably up until the post-independence coup of 1977 led by the Seychelles People’s United Party, which imposed a one-party system affiliated to the socialist block.

The book develops a theoretical reflection on the hybridisation of a legal system to explore how a young sovereign nation develops its own autonomous legal identity. In this sense, Seychelles constitutes a fascinating case study. There is, of course, the mix of the two main Western legal traditions, with a progressive dominance of the British common law at the expense of the French civilian model, which however still strenuously holds its ground in the Civil Code. In addition, the book guides us through the discovery of fascinating aspects of African customary practices that permeate popular culture from the times of slavery, and sheds light on the legacy of the socialist rule that followed the 1977 coup. While abandoned in 1993 with the adoption of a new Constitution based on the principle of multi-party democracy, aspects of it remain deeply entrenched in Seychellois society. These range from the country’s economy and its heavy reliance on the public sector, to the regular use of state-aid practices. While at odds with the market liberalisation reforms imposed by international institutions (such as the International Monetary Fund or the World Bank) in exchange for financial support, public involvement in the economy is particularly resilient in Seychellois society and nurtured by its state institutions. Twomey confronts this panoply of synergies and contradictions in a relentless quest for the ‘legal voice’ of her country, a task she undertakes with both matter-of-fact lucidity and analytical rigour. This makes for an engaging read, in particular in chapters 1, 2, 4 and 5, where the holism of the ‘legal tradition approach’ stands out.

Legal métissage serves another important purpose: it represents a much-needed doctrinal contribution in a country where scholarship has so far been a noticeably lacking “legal formant”, to use the terminology coined by comparatist Rodolfo Sacco. Chapter 3, with its analytical description of salient features of both substantive and procedural laws of Seychelles, constitutes a reliable map of the Seychellois legal landscape as well as a solid basis for a future in-depth systematisation of the laws of the land. The urgency of such endeavour cannot be overstated, as pointed out by the author when she observes that, currently, practitioners and reformers alike struggle to find any interpretative guidance, not to mention the difficulties of law graduates confronting the national Bar Exam without manuals or commentaries.

The book is also, in a way, an intellectual autobiography of the author. Twomey is simultaneously a Western-educated legal scholar with knowledge of both common law and civil law legal systems, a Seychellois Creole by birth and upbringing who has lived twenty years abroad, a former practising attorney of the Seychelles Bar, a member of the Constitutional Commission that drafted the post-socialist Constitution in 1993, and the current Chief Justice of the Supreme Court of Seychelles. It is safe to say that she is a living building block of that Seychellois legal tradition that she so passionately researches, criticises and advocates recognition for.

To conclude, *Legal métissage* makes a valuable contribution to the nascent Seychellois legal scholarship as well as, more generally, to the studies of mixed post-colonial legal systems and micro-jurisdictions. It is also an enjoyable and stimulating read, thanks to the author’s engagement in the field, stemming from her unique knowledge, experience and personal history.

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