

LAW AND MUTUAL ASSISTANCE IN FAMILIES: A COMPARISON OF SOCIALIST LEGACIES IN HUNGARY AND EASTERN GERMANY

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The dissolution of widespread legal ties in the former Soviet sphere of influence poses a unique opportunity to study the dynamics and transformation of the relationship between multiple legal spheres.¹ First, like the socialist authorities before them, post-socialist governments have used law extensively to transform society. Second, national governments made considerable gains in legislative independence, and both decentralisation policies and privatisation have contributed to the emergence of new local competences. Bearing this in mind, parts of this process can be analysed as a form of ‘de-globalisation’ (F. and K. von Benda-Beckmann and Griffiths 2005: 7). Some regions have even been described as having “local legal systems that seem to have been dormant for many decades” which have now regained importance and characterize new conditions of legal pluralism (K. von Benda-Beckmann 1999: 26). In other cases, globally transmitted neo-liberal concepts and accession to the EU, or the extreme case of German unification, have also diminished differences and resulted in more standardisation and an intense process of globalisation. With reference to the cases of Hungary and eastern Germany examined here, I am going to argue that post-socialist reforms actually led to more similarity in the legal sphere of family policies than

¹ See also Peleikis and Beyer in this volume.

before. However, actual practices still differ as a result of different socialist legacies and constitute different kinds of post-socialist legal pluralism.

Selected examples of family assistance and conflict in Hungary and eastern Germany in the aftermath of legal reforms will reveal different patterns of interpretation and integration of the socialist past. I concentrate on fields related to a gendered understanding of property and parenthood.² Germany and Hungary developed characteristically different family policies during the socialist period, but have become more similar due to post-socialist reforms. The data presented does not allow for a systematic comparison, but it nevertheless helps to place the single case in a wider framework and to reveal new questions.³ As Bloch (1994: 116) argues, before a phenomenon can be interpreted, it must be ‘discovered’, and it is the comparison that turns a seemingly ‘normal’ phenomenon into an interesting one by placing the one in relation to the other. In this case, a seemingly ‘normal’ remobilisation of pre-socialist gendered norms in Hungary gains significance in comparison to the rather different eastern German case, where apparently similar norms lead to different practices.

The first part of this article deals with the changing significance and interpretation of landed property and its inheritance in structuring family relations. I will argue that in both localities landed property is basically interpreted as male property. However, in face of post-socialist reforms, characteristic differences appear. In the

² For a comparison of differential degrees of survival of pre-socialist norms and legal understandings concerning landed property as well as its connection to different social layers in Hungary and Romania, see Thelen 2003a, 2003c, 2003d, 2005b.

³ My fieldwork in the Hungarian village of Mesterszállás was financed by the German Research Council (DFG) and carried out in 1999 and 2000 (with subsequent private trips every year since). The fieldwork in eastern Germany in the city of Rostock took place in 2003, with subsequent visits until 2005, and was financed by the Max Planck Society. Fieldwork in both places included participant observation, biographical interviews and questionnaires. The abbreviation DN refers to diary notes taken from unstructured talks, while an interview number refers to a structured interview. For extensive comments on an earlier draft of this article I would like to thank Anja Peleikis and Keebet von Benda-Beckmann. I also profited a great deal from discussions with other members of the Legal Pluralism Group at the Max-Planck-Institute for Social Anthropology.

Hungarian case, the normative orientation translates seemingly easily into a shift of power to the oldest male in the family. In contrast in the German case, new conflicts are often based on gendered claims to property, and additionally often interpreted within the framework of East-West German differences. While this might seem to hint at a rather simplistic rural-urban divide, I will show in the second part of this article how these differences are linked to quite distinct socialist legacies in the fields of labour and family policies. While the soviet sphere of influence seemed rather homogenous regarding gender policies, in fact socialist Hungary and the GDR had quite distinct regulations. Post-socialist legislation in this field is more similar today than during socialism, but the norms and regulations of the past influence the quite distinct patterns of mutual assistance within families. In eastern Germany again the situation of former separation into two states enforces a survival of the distinct GDR version of socialist gender norms. In each case, the empirical material shows how the resilience of pre-reform norms and values constitutes a factual legal pluralism, as people employ different legal systems in their practices (see K. von Benda-Beckmann 1999: 26). The norms guiding this behaviour are “observed social norms other than the law of the state” (Woodman 1999: 30). While many studies on legal pluralism have focused on the opposition between an (imposed) state law and a (once) non-written customary law, in the case of eastern Germany we witness instead a process in which former (socialist) state law turns into new customary law.⁴

Law and Inheritance: Changing Significance and Interpretation of Landed Property

Both Hungary and eastern Germany experienced two main phases in the restructuring of property relations by legal means during the course of the last century. After the Second World War, new socialist governments in both countries introduced agricultural reforms, including land reforms, the expropriation of large land holdings and the collectivisation of agrarian production. In the aftermath of the political changes that began in 1989, both national governments opted to re-introduce land privatisation, both as compensation for past suffering and because it was once again perceived as the basis for a market economy and economic

⁴ For different terminology and for a general overview of the development of studies on legal pluralism, see for example Merry 1988.

success.⁵ In both historical instances of reform, newly founded local land commissions were largely responsible for local implementation. Studies have revealed how much these commissions were dependent on local persons in positions of power, as well as local norms and values (Hann 1993; Verdery 2002; Bauerkämper 2002; Thelen 2003a, 2005b). In the following, emphasis will be placed on the interrelationship between local implementation and perception of the laws with regard to gender concepts and families. While much post-socialist ethnography has emphasised the difference between local values and national policies, as well as increasing social differences within communities, I stress increasing differences within families along the lines of gender and generation. To begin with, I briefly introduce the impact of socialist agrarian reforms on families to provide a background to post-socialist developments.

Socialist reforms and families

The aforementioned measures of socialist agrarian policies after the Second World War (expropriation of large holdings and collectivisation) had a strong influence on the meaning of inheritance and mutual assistance within families in general. To begin with, larger land owners lost their property, while smaller land owners, although mostly retaining their official ownership, lost certain rights such as the right to sell or work the land themselves (see also Hann 1998: 17; Thelen 2003a).⁶ In combination with the negligible rents that co-operatives in both countries paid to owners for the use of their fields, landed property lost considerable value as a primary source of making a living or as a valuable inheritance. Such measures clearly attempted to change the existing social structure and interrupt social reproduction of the former ruling classes, but also affected the power structure and patterns of mutual assistance within ordinary families.

This process was particularly reflected in the position of the head of the family, who had previously made decisions regarding the work of all family members, but

⁵ The arguments put forward very much resemble those of 19th century reformers (Lampland 1994).

⁶ For a detailed description of German collectivisation processes, see for example Bauerkämper 2002; for accounts of Hungarian collectivisation, see for example Swain 1985; and the various articles in Hollos and Maday 1983.

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was now downgraded to the role of 'normal' worker. Bell describes the changes in Hungary as follows:

Collectivization removed the material basis for parental power in families where children remained home. With the loss of control over his land, the *gazda* [male head of household] lost much of his dominance in the family. He was no longer the leader of an enterprise, but at best the family's representative in the collective farm (and later not even solely that). He no longer really had the authority or the arena in which to direct his grown children at home. (Bell 1984: 196)

Similarly, in the GDR, agricultural land, as well as dwellings with more than one flat, were no longer particularly desirable inheritances. As was the case for land, rents in privately owned houses were extremely low and often did not even cover building maintenance costs. The scarcity of building materials reduced the value of such inheritances to almost nothing. Often, heirs were quite happy to get rid of them in some way or other. With the diminishing value of land and houses, the meaning of inheritance as a means of power within families, but also as a source of conflict between heirs, was reduced.

These changes in power structure and the meaning of inheritance were furthered by various other legal reforms. In agriculture, new access rights for all co-operative members to household plots figured most importantly. Every member received his or her own usufruct rights. Generations still co-operated in agricultural production in the socialist private sector, but for the means of production, the whole family now depended upon the co-operative more than on privately owned property. Another new entitlement of great importance was the introduction of pensions, which successfully substituted for a lifelong, property-bounded right, a state-guaranteed work-related right. As Swain emphasises in the case of Hungary: "The significance of this source of income which did not depend on labour cannot be overestimated" (Swain 1985: 39). Additionally, broadened compulsory school education introduced by the socialist state made children less available for work at home.⁷ Later, many of these children would make use of the enhanced possibilities for paid work in the new industrial centres. In the two fieldwork locations, this pattern is revealed by the typical out-migration from the

⁷ See Pine 2003 for similar developments in Poland.

Hungarian village and in-migration to the new industries in the East German city. Those young people who remained in the villages often received cheap credits from the co-operative and would, by building their own house – albeit most often with considerable help from their parents – form their own separate household.⁸ In both cases, exchange between generations remained intense due to the intrinsic shortages of socialist economies⁹, but the basis for these exchanges had fundamentally changed.

With post-socialist reforms, this basis was reversed again. Privatisation of land that was mostly based on pre-socialist property rights, instead of, for example, socialist use rights, put more stress on kinship relations once again.

Post-socialist property reform and families

Despite the fundamental changes in property regimes during socialism, and equal inheritance rights in place since the beginning of the 20th century, landed property was generally perceived as ‘male’ property in both fieldsites. Retrospectively, people in eastern Germany as well as Hungary constantly talk about how their fathers or grandfathers suffered through forced collectivisation in early socialism, and never mention their mothers or grandmothers. Similarly, in both countries, horses had high symbolic value, due to their connection to the land. As the last symbol of her father’s demise, a woman in the Hungarian village recounted that her father was forced to bring the family horses into the co-operative. In both localities, I was told stories about old men who could not start agriculture again after socialism, but instead bought horses (even if their respective relatives felt it was too dangerous for these old men to actually ride).

One such case is that of a German pensioner who bought horses again after unification, although he never resumed commercial agriculture. His peasant-style house can still be seen from the train line connecting the inner city of Rostock with the seaside, and even from the train window one can recognise that the house is a legacy from a rather wealthy pre-socialist peasant background. When, by chance, I met his daughter Susanne, while conducting an interview at her workplace, she

⁸ This earlier formation of separate households also occurred in other socialist countries, e.g. in Romania: see Sampson 1984: 207.

⁹ Kornai (2000) coined the term ‘economy of shortage’ for the socialist countries.

told me how her father's compulsory entry into the co-operative was an experience he could "never put up with" (No 8, 9/18/2003). He had given his land to the co-operative in the early 1950s when it was still an isolated rural farm. Later, the expanding city built apartment blocks on his land. This was done under GDR law, and consequently, he did not receive any compensation after unification. Yet his former neighbours – who migrated to the West in the early 1950s – received compensation for their lost property. This experience was perceived to be a terrible injustice by the whole family, who feel unjustly expropriated. This example already indicates some of the complications in the German privatisation of landed property, and how it is evaluated in terms of the former two-state Germany. Unification, that brought with it a new legal system including inheritance laws, is one condition that influences the perception of inheritance conflicts in eastern Germany. This is sometimes coupled with informal gendered practices from the socialist past, as the following examples will show. While in both localities, the gendered patterns of landed property seemingly indicate the unbroken survival of 'dormant' legal understandings, their influence on actual perceptions and practices of the post-socialist re-introduction of private property is quite different. Thus, the resulting constitution of legal pluralism differs.

(a) Conflicts over inheritance in eastern Germany

In general, my informants in eastern Germany relate unification to increased conflict within the family, particularly between siblings. At least in the early years of unification, they also perceived growing legal insecurity, especially with regards to inheritance. For example, Susanne, the daughter of the above-mentioned former peasant, when asked to identify the main change resulting from unification, named inheritance first. She then went on to explain that the value of the family house in which she was living with her parents had changed dramatically. As an old peasant house it was a 'burden', as she put it, during the GDR period. But it has since gained considerably in value, because the once isolated farm is now more centrally located within the city's borders, and public transport connects it with the nearby Baltic Sea. Since unification, she and her parents have been in conflict with her brother over the house, and at the time of the interview, contact between them had almost completely ceased. The gendered dimension of this case rested on the fact that she attributed her claimed rights to the house to the fact that she cared for her parents with whom she lived.

In a similar case, a conflict also persisted between a daughter living with her parents in one house, and her siblings. The family, which had a rather poor peasant background, had received land and housing in a small village during the socialist land reforms after the Second World War. When the siblings' father died in 1989, his family undertook no legal action with regard to inheritance. Only after unification did the daughter who was living with her parents start considering taking action. As Stefan, her son, stated, "All was okay. We thought it would simply all happen after the GDR schema: grandmother would inherit all and then the children. But then came the *Wende* [political change] and all was different" (DN, 01/03/2006). His mother said that she had made inquiries at the local government offices and received advice to go to a notary to get their inheritance ratified. She thought the inheritance would follow the legal rules of the GDR, but as they had undertaken no action before unification, the case was handled in accordance with the new inheritance laws, which meant that the projected inheritance sequence would need a so-called 'Berlin will'¹⁰. After legal consultation she asked her sister who was living in the former West Germany to sign a document stating that she would not wish to live in the house, but "she left in anger and turned to a lawyer". Then an eleven-year legal case began, and the two sides of the family no longer speak to each other (DN, 10/03/2006).

What is interesting here is her interpretation of her rights, which she based, like Susanne, on already invested or anticipated provision of care for her parents. She says: "My parents also needed care ... I have already invested a lot in care." In both cases it is the daughters who live and care for the parents rather than the sons, and both claim property rights on the basis of their caring obligations... An additional component in this conflict is that her sister lived and still lives in the former West Germany. Again pointing to her efforts with her parents, but also in contrast to her sister living in West Germany, she emphasises: "*We* were the ones who did it all here with my parents" (emphasis in speech). In addition, she and her son interpreted this conflict in terms of East-West German differences in knowledge about the legal means: "We did not know anything." They felt unsure and helpless vis-à-vis the new legal system compared to the sister who was well acquainted with the west German rules. The conflict gained additional qualities as

¹⁰ Basically, without a will, children in Germany inherit equal shares of 50% of the parent's property, the other 50% going to the surviving parent. In a 'Berlin will', one can specify that the surviving partner immediately receives the whole inheritance, and that children will only inherit after the death of both partners.

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they interpreted her actions as typical for the arrogance and materialistic attitude of West Germans. “She after all was a *Wessi* [pejorative term used for West Germans], with the motto: I know it all better than you.” And, whereas before unification the sister always sent parcels and apparently wanted to transfer material goods to her relatives in the GDR, “then came the *Wende*, and she showed her [true] self” (DN, 01/03/2006 and 10/03/2006). According to this woman, in the expectation of the land becoming *Bauland* (land designated as building space), her sister in West Germany was claiming a fantastic sum of money for her share.

Conflicts over inherited property after unification – mainly buildings, especially family houses, and sometimes smaller pieces of land – figured prominently in conversations about the reasons for the collapse of family relations across the former German-German border.¹¹ This happened among East German kin as well as among East-West German kin, but conflicts between the latter had an additional quality as described above. This development in connection with the introduction of West German laws, including more complicated inheritance regulations, added to feelings of insecurity vis-à-vis the new legal system.¹² Furthermore, the argumentation of East Germans was based more on rights assumed in the context of caring for kin, work principally carried out by women. For this argumentation to be successful, the characterisation of houses and land as primarily ‘male’ property would, at the very least, have to become less fixed over time. In fact, there is a lot of conflict between male and female siblings about property claims. Whereas these issues were often seemingly resolved somewhat informally under GDR circumstances, the increase of real estate values after unification has meant that this “feminisation” of property has not remained uncontested.

In contrast to these cases, there have not been many conflicts between female and male siblings in my Hungarian case. While in the examples reported for the former GDR, the rise in value was not attributable to agrarian production, as none of the informants considered or resumed agriculture, and also rents were not especially high, in the Hungarian case landed property has become a new basis for making a living for some families. The gendered legal pluralism in this case is not based on ‘new laws’ from the West as opposed to ‘old rights’ from caring obligations, but is

¹¹ For more extensive accounts of German-German kinship relations and other sources of conflict after unification, see: Thelen n.d.b; Berdahl 1997: 165.

¹² With reference to inheritance in civil law, the GDR law contained 66 paragraphs, whereas FRG law contains 464 (Borneman 2000: 324-325).

dependent instead on gendered norms that guide supposedly gender-neutral legislation on privatisation.

(b) Landed property in Hungary

In the Hungarian village, the association of land with men led to quite distinct gendered attitudes towards privatisation. The gender-neutral wording of the law foresaw auctions based on vouchers distributed according to land values lost during collectivisation. However no ‘real’ auctions took place, but instead, locally influential men distributed the land according to agreements made in advance. The widely shared wish was to return to one’s own or one’s father’s pre-socialist property, but only the most important men were really successful in achieving this. In general, women delegated their compensation entitlements to their closest male kin who then invested them in land, preferably at the location of ‘their’ own (or their fathers’) and not their wives’ pre-socialist property. As a rule, women did not participate personally in public auctions (for a more detailed description of this process, see Thelen 2003a, 2003c and 2005a).¹³ One exception I found was an 80 year-old woman, who had to manage her claims herself since she has no close male kin. She claims that distribution favoured the wishes of men: “... because I’m a woman, when I came there, the men already distributed the land among themselves. I went there three times and they always put me off” (DN, 08/28/2000). As a result, she did not receive the land she had applied for (which had been her father’s property).

Similarly, the decision to leave the co-operative and recommence private agriculture is strongly dependent on the existence of male family members. Families that ‘only’ had daughters, left their landed property in the co-operative. For example, a 72-year-old villager with a property of 65 hectares, when asked

¹³ In 23 questionnaires, women stated that they had a personal entitlement to compensation. In eleven cases, the entitlements were managed by husbands. If the husband was already dead, the task was organised by other male relatives: their son (in two cases), their brother (in three cases), their brother-in-law (in one case) and their son-in-law (in one case). Only two women stated that they had managed their entitlements themselves, and four that they had sold them. On the other hand, no man (and no woman) had his entitlements managed by a female member of the family.

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why nobody in the family was working the land, replies: “I have two daughters.” He does not explain further, and the statement itself seemingly tells all. Still, when questioned further about the situation, and asked if it would have been different had there been a son, he says: “then we surely would do it [work the land]” (DN 04/09/1999). Actually, one of his two daughters once told me about her plans for starting a small agrarian business, but it never came into being. The strong association of men with land means that how the land is used is very often a decision of fathers with reference to their sons.

However this decision is not always a positive one, even if sons are involved. One elderly woman recounted how her husband refused to leave his land to their son, because “he felt so strongly that it is his own”. Only after his death in 1995 did she give the land to her son (No. 36, 07/17/1999). In another case, the couple Mária and Lajos returned to their village of origin, thinking that they might be able to work some of Lajos’ father’s land. Previously, they had worked as an electrician and a pre-school teacher in an orphanage and had built their own family house near their work place. But after they had returned home, Lajos’ father simply refused to hand his land over to his son. This is not to say that they do not co-operate, but it is the father who decides and the son who helps. The father constantly refuses plantation ideas that his son gathers by watching special agrarian programs on television, or from listening to the agrarian adviser of the village. At one point during fieldwork, the father, in his wish to save money for seeds, attempted to return to the pre-socialist method of extracting pepper seeds from his own harvest. However, since dealing with hot pepper burns one’s eyes and lungs, this highly disagreeable task was delegated to his daughter-in-law, her daughters, and the younger sister (as well as the female ethnographer), and given up after some trials. However unsuccessful, it is significant that he could persuade the family at least to make the attempt.

Economically much more successful but structurally similar is the case of Sándor and Gyöngyi. The couple returned to Sándor’s family village in the middle of the 1990s, because both had lost their former positions (as painter and bookbinder respectively) due to economic restructuring. Meanwhile, Sándor’s father, the newly elected mayor of the village, decided to acquire large amounts of land during privatisation. This land is now worked by Sándor, who completed a second education as an agrarian engineer and transformed himself into one of five agrarian entrepreneurs. He concentrated on grain production until 1999, at which point his father suddenly bought an old stable from the cooperative and some calves, which then had to be looked after by Sándor and his wife. Gyöngyi especially disliked

this arrangement, because at that time her two sons were still very small, and she often had to leave them alone at home to cycle three kilometres to feed the calves. In this case, there is a strong and economically successful co-operation between generations. Nonetheless, it is the father who makes the decisions and has, on the basis of his economic property, the power to impose these decisions on the younger generation.

At first glance it seems that in both countries gendered conceptions of property, that is, the image of landed property as male property, survived more or less untouched the socialist period. Despite socialist collectivisation and post-socialist gender-neutral privatisation legislation, gendered norms have not been inactive, but have been handed down through families in recollections of the past. However, these images have different consequences in terms of practices, which account for variations in post-socialist legal pluralism. The Hungarian case in particular indicates a kind of conservative re-establishment of pre-socialist male authority in families (see also Thelen 2003b). In contrast in the (East) German cases, claims to property are based on gendered caring obligations and are often interpreted within the framework of East-West differences. In the next section, I seek to explain these variations and complicate the picture of the seemingly simple “survival” of a legal system by looking in more detail at family arrangements, including some of the families discussed above, and by tracing the influence of different socialist gender concepts and legislation.

Economic Insecurity and Gendered Coping Strategies

Like the socialist reforms, the privatisation of the means of production after 1989 was accompanied by a profound restructuring of agriculture and industry. In both countries this restructuring meant the closure of many collective and state businesses and considerable job losses in agriculture and industry, especially heavy industry. The subsequent unemployment hit regions, generations, gender and occupational groups differently. For example, heavy industries disintegrated quickly, and in these sectors of the economy men were affected by unemployment to a greater extent than women. In contrast, some of the traditional female occupations expanded, resulting in an increased number of positions available in sectors such as administration, service, and insurance. This created a short-term advantage for women in some regions, or in individual enterprises where these sectors survived. For example, in the north of Germany where my fieldwork was conducted, the regionally important fishing industry and all overseas trade passing

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through the port almost totally collapsed. In addition, an important motor factory closed and shipyards struggled to survive. On the other hand female dominated light industries, such as a well-known fashion enterprise in the German field site and a shoe factory near the Hungarian village closed as well. As a consequence, during fieldwork, I met families in both regions in which women had administrative jobs either in public enterprises or former co-operatives, while their husbands had lost, at least temporarily, their jobs in industries or agriculture. In both countries early retirement programs were introduced to secure an easier transition for large parts of the workforce older than 50. Some of these developments are important to an understanding of the patterns of mutual assistance in families described here.

Along with job security, people lost a variety of long-term socialist rights, such as access to land¹⁴ or welfare rights formerly tied to the workplace. In the face of these new insecurities, families followed different coping strategies and paths of mutual assistance. Many individuals and families out-migrated from both localities to more prosperous regions, which meant in both countries heading west. However, many also stayed and tried to reorganise their lives, and among those remaining, I found quite patterned differences in types of mutual assistance. These patterns are based on different socialist policies and the differential mobilisation of these socialist legal norms influences the specific form of legal pluralism in the cases described.

(a) Hungarian cases: investment in agriculture

As shown above, during times of privatisation, men in the Hungarian village often invested in land. For some, this evolved into a new life as full-time farmers. However, their wives did not follow this path, but stuck to their old professions. Often women whose husbands are engaged in part-time or full-time agriculture do not know how much land they have in their own name, nor what exactly is produced on the family land, nor in what amounts. In all of the successful families that farm an area of 100-300 hectares, women do not talk about or know very

¹⁴ The dispossession by legislation of a great portion of the population in 1993 in Hungary has even been compared to the enclosure movement (Harcza et al. 1998: 232). On long-term rights with special reference to property, see Elwert 1999, also Thelen 2003a.

much about their husbands' agricultural businesses. The women in the village are not forced to refrain from agriculture, but indicate this apparent disinterest as a reflection of their personal wishes. For example, whereas one of the new male farmers describes the peasant way of life in rather romantic terms, saying "Our land is our life" (DN 04/18/1999), his mother states: "I worked enough in the fields (*határon*); I don't need that any more" (DN 05/25/1999). In her case, as for many elderly women, socialism meant liberation from the hard work and loneliness of life on an isolated farm. Going back is not an attractive prospect and does not have a romantic appeal for them, as it has for many men. Perhaps such hardship was more extreme in this area, which before socialism was characterised by isolated farms. In contrast to the men, who were more mobile, life on a so-called *tanya* for women meant isolation from their families and even their neighbours.¹⁵

Some of the younger women, like Gyöngyi in the example discussed above, are persuaded into agricultural activities they do not really wish to perform. These women continue to perceive themselves within their 'old' professional identities, and for the time being as full-time mothers and housekeepers. After returning to the village, Gyöngyi concentrated on her two sons. Until both her sons were over three years old, she had no particular ambition to look for employment, and later she had little hope of finding a job. Officially she is registered as working for her husband's business, but only to secure her social security benefits. She said, "I would like to go back to work, not for the money but for myself" (DN, 06/16/2002). Thus, she does not attribute to her work as a mother and housewife the same value as she would attribute to paid work. Similarly, she does not perceive the actual labour she performs for the family agriculture as 'work'. She longs for a feeling of self-fulfilment and does not engage in agriculture with any enthusiasm.

In the other case of Mária and Lajos, who returned to the village with their three daughters, Mária likewise sees herself as a pedagogue and has no wish to invest more time than necessary in private agriculture. She always remains aloof from the conflicts which have been described between Lajos and his father over land as if they did not concern her life as well. Although she was for long not able to get employment in the village, she also did not wish to travel far for a job, as she

¹⁵ On the history of the village and gendered memories of the past see Thelen 2003a.

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takes her obligation as a mother and housekeeper very seriously. Besides caring for her own children, she sometimes worked as a paid babysitter. Only ten years after their return to the village, and with her three daughters all above the age of 12, did she start to work part-time as a family adviser for the local government.

In yet another family, Katalin – the wife of the second young agrarian entrepreneur in the village – also lost her job and has been unwillingly pushed ‘backwards’ into agricultural production. Katalin and her husband got to know each other at their industrial workplace, the drying plant of the former co-operative. After marriage, she moved into his mother’s house, where they all still live together in one household. Having lost his job, Tibor – her husband and the only young male descendent of a rather well-off pre-socialist peasant family – decided to attempt private agriculture. He started with the considerable help of two uncles: one is the agrarian adviser of the village, while the other is a successful agrarian entrepreneur himself. Katalin worked in the drying plant until the birth of her first son in 1997. She then stayed at home with her son for three years. At that point, she could not get her old job back because the plant had been sold in the meantime, and worked only sporadically. She failed once to get into a re-education program; then, after finishing training in retail, she became pregnant again. Since the birth of her second child in 2002, she has not yet found employment again, and as of 2005 she did not see much hope of doing so in the near future. During the course of my fieldwork, Katalin often said that, as she expressed it, Tibor “only bought machines”, instead of products she favoured like, for example, furniture. In 2002, her husband bought some of the co-operative’s old stables and wanted to start, at the very least, breeding pigs. Some years ago he himself had to quit a job in the animal breeding section of the former co-operative because of an allergy. Despite this fact and knowing that his wife did not want to go into animal breeding at all, he did not sell the milking machine. Instead he comments: “you never know.” With the loss of her own salaried work, Katalin lost her economic independence and came to feel dependent to an ever-increasing degree on her husband’s decisions, which might mean her eventual involuntary involvement in animal production.

There are some similarities in these cases. All three women had completed an education outside agriculture and all liked their professions. Upon moving to the village, all concentrated on their caring obligations as mothers. After an extended period invested in the care of their children, they all find it difficult to return to the labour market. All are very reluctant to engage in the agricultural businesses of their husbands, especially when these involve animal husbandry. As time passed,

their position in the family seems to weaken, with the male members of the family sometimes making decisions with regard to their occupations. In contrast to these arrangements, I found quite different coping strategies with economic insecurity and family co-operation patterns in my German fieldwork. The reasons for these differences, I argue, lay in different socialist family policies.

(b) Eastern German cases: investment in wage work

As my German fieldwork was conducted in an urban environment, I did not regularly come into contact with decisions made after privatisation regarding agriculture. I suspect that even fewer people than in Hungary saw agriculture as a viable alternative of making a living. In the cases described above, in spite of an existing agricultural inheritance, families decided not to engage in agriculture as private business. However, another contrast concerns the degree of investment in female wage labour. Whereas these decisions can be partly attributed to different economic circumstances, I would also argue that family arrangements regarding parenting and paid work are also based on different socialist legacies.

In the case of Susanne's father, the well-to-do pre-socialist peasant, he bought horses but did not engage in commercial agricultural activities again. With no more food scarcity and Susanne well-employed in the port of Rostock, the family also reduced their subsistence production after unification. While the fact of her uninterrupted job career after socialism can be interpreted as a consequence of the aforementioned socialist gendered labour market and the subsequent short term advantage of women in administration, Susanne herself attributed it to the help of her parents with childcare. Her two children were three and five years old at that time of unification and "if they were sick, my mother could always care for them" (DN, 04/29/2003).

In the other aforementioned case of inheritance conflict, grandparental care helps to facilitate Stefan and his former partner's working life to an even greater extent. Stefan has a son, born in 2001, with Katja, his former partner. Katja started working again one year after giving birth. Stefan was unemployed, after losing his job at the agrarian co-operative of his village. But Katja's mother found a job for him in the enterprise for which she works. The little boy is in day care, but since Katja and Stefan both work in shifts, they need extra childcare when the nursery is closed. Katja's parents, especially her father, take care of the boy while they work. Katja's mother is employed full-time in administration, while her father has

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been in the so-called 'passive phase, of ATZ since 2002, which basically means he has taken a form of early retirement.¹⁶ The child spends most weekends at his grandparents' house.

In a very similar case, since unification Uwe, a painter like Sándor, has had a series of unstable work contracts. In 2003, he commuted to work on a weekly basis; for a short time in 2004 he worked in the Netherlands, and then again in another city in western Germany. His wife Anke has also not been able to find a job in her profession as an office clerk, and for this reason she has been working for a temporary employment agency. From April to September 2003, she was hired to work as a caterer at the International Garden Exhibition. In all temporary contracts she has received, she has had to work shifts, and thus was often unable to pick up their one-year-old daughter on time from the babysitter. Instead, it was her father, at that time enrolled in a state-supported work program, who went to collect the child. He took the girl home and looked after her until her mother came in the evening. The grandmother was usually also around in the evening after work and prepared dinner. She 'survived' unification in a relatively safe administrative position, while her husband lost his job in the fishing industry in October 1990. As well as looking after her in the afternoons, the grandparents also had the girl to stay on Saturdays, or overnight at their place, whenever Anke had to work the late shift.¹⁷

For all four young families, post-socialist transformation brought considerable changes in relation to labour market restructuring. Their coping strategies partly depended on their respective rural and urban backgrounds. Whereas the Hungarian men could rely on inherited land, or land bought by their fathers, and could thus transform themselves into farmers, for the Germans, this was apparently not an option. All families also had to struggle with childcare, but in the Hungarian case the mothers assumed this obligation until their children reached the age of three, even when living with a grandmother in a joint household. Grandparents would

¹⁶ ATZ = *Altersteilzeit*: five years before retirement age, employees sign a new contract with their employer opting for so-called partial retirement. Normally the so-called block model is chosen, which means that people work full-time for half of the five years and then enter the "passive phase". Officially they are not yet pensioners, but they do not work any more.

¹⁷ For more detailed descriptions of these and other cases of extensive grandparental care in eastern Germany see Thelen 2005b.

help with the children, especially when they lived in the village, but helped rather irregularly, particularly when there was a great deal of agricultural work to be done. In contrast, German mothers left their children in public childcare from the second year on and went back to work with considerable help from their parents. Different conditions contributed to these developments, such as labour policies encouraging early retirement. However, socialist ideologies about modernity, and parenting ideologies in general, are also important and influential in explaining these differences. The cases from eastern Germany especially show how legal prescriptions from the socialist period are still applied despite the new laws taken over from the West. In the following section I describe the different policies and the normative patterns associated with them.

Different Socialist Legacies

The differences in people's reactions to property reform and economic insecurity are influenced by national versions of the socialist visions of modernity and gender equality. In the Hungarian case there were no incentives for rural women to 'go back' to a peasant way of life, while at the same time mothering at home was supported. In contrast, in eastern Germany the socialist emphasis on the working mother was much stronger and was in strong opposition to the now introduced western German family policies. In addition, negative feelings towards western Germany and identity building in eastern Germany promoted the tendency to stick to their socialist heritage more than in other post-socialist countries (Thelen 2006, n.d.a) Thereby, the former socialist legal system has become a kind of new customary law in eastern Germany.

(a) Socialist gendered labour markets

In general, gender policies were one of the features that were seemingly quite similar across the Soviet sphere of influence. Following Engels, socialist governments aimed to end what was seen as the suppression of women by eliminating private property and integrating women within the workforce.¹⁸ These policies had contradictory effects on the position of women. On the one hand,

¹⁸ Some authors argue that the inclusion of women in the labour force was simply an economic necessity; for a discussion of the debate see Einhorn 1993.

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more women than ever before took up paid work outside their home; on the other, they tended to work in 'typical' female sectors such as education or administration, while men in general had more highly valued professions and positions.¹⁹ In addition the division of labour within households remained highly gendered.

However, the socialist gendered labour market meant that many rural women rose during socialism into 'clean' jobs regarded more highly than peasant work. Besides bitter remembrance of hard lives in the pre-socialist peasant past, their social ascendance into more highly valued jobs certainly added to the reported reluctance of women to engage in agriculture in the Hungarian village.²⁰ Due to the socialist gendered division of labour, they had, at the beginning of the 1990s, the structural advantage of being employed in sectors that were not among the first to shrink (administration, education, bookkeeping). Therefore, economic restructuring affected them at a later date, and they never foresaw any need to engage in agriculture.²¹

One woman stated in a questionnaire that their main source of income was the family agriculture, but she refused to answer a question about the best way of describing their family's agriculture, since this was her husband's 'affair' (No. 56, 09/27/1999, 31 years). She was also one of those women who rose to a 'clean' job in administration, and even when she was at home on maternity leave, she refused to think of the agriculture as her 'business'.

If engaged in agriculture at all, women most often produced intensive crops on household plots. And at the beginning of the 1990s, it was not foreseeable for

¹⁹ For the general gender regime in socialist countries, see Verdery 1996. As in other socialist countries, labour markets in the GDR and socialist Hungary remained highly gendered. Income and social prestige in the typical female dominated sectors were low.

²⁰ One should add that the peasant was *per se* also a symbol of backwardness (Lampland 1994).

²¹ Despite the short-term advantages, women in general were often more hit by the restructuring, and especially by long term unemployment. For the GDR and East Germany, see: Engelbrech 1999; Nickel 2000, for Hungary: Koncz 2002; Frey 1999; for a comparison in post-socialist countries, see: Einhorn 1993; Emigh et al. 1999.

them that their main form of agricultural production would have no future. The decline of co-operative farming meant changes in and most often the disappearance of many rights of access, such as rights to household plots, seeds, and channels of distribution. Ten years after these changes had begun, the women's reluctance to engage in privatisation has turned into an economic disadvantage, one that could also alter their position in the family. This tendency is most obvious when the family relies on agriculture, as in the cases of Gyöngyi and Katalin, and is perhaps more pronounced in areas predominantly involved in grain production, in which female engagement is particularly low. However, their desire to return to the labour market was also difficult to realise because of their long absence from it as a result of extended maternity leave. This typical three years' concentration on childcare in Hungary marks, in fact, a clear difference from eastern Germany, and is shaped by different legal regulations from the socialist past.

(b) Mothering ideals and policies

The time span of the maternity leave described in the examples above (Hungary: three years, eastern Germany: one year) is one indication of different socialist legacies in Hungary and the former East Germany. Although socialist policy in general regarded the 'liberation of women' as a desirable goal, different countries developed their own national policies regarding female employment. In this respect, the GDR and socialist Hungary were at the opposite extremes in the socialist camp. In fact, the GDR had one of the highest rates of female employment among socialist states, while Hungary had the lowest (Einhorn 1993: 266). These differences developed in particular following the decline in birth rates that all socialist countries experienced in the 1960s and 1970s. All socialist governments reacted with pro-natal policies, but these intentions resulted in quite different policies. In Romania, for example, abortion was made illegal and contraceptives were extremely hard to come by (Kligman 1992). In contrast, Hungary (followed a little later by Czechoslovakia) introduced an extended three-year period of maternity leave for mothers (Haney 1999; Haskova 2005). These policies focussing on the role of the mother as carer were generally welcomed by large segments of the population in Hungary, and corresponded well with existing cultural notions of the responsibilities of motherhood, as well as professional claims about children's well-being, which emphasised the strong bond between

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mother and child in the first years of life, and which attributed negative effects to education in public institutions (Haney 1999).²²

Given the structure of the socialist economy, with its strong impact on the secondary economy, and most importantly the aforementioned household plots, rural mothers were not truly 'not working' during their leave, but were very much engaged in the processes of rising semi-private household production in the 1960s and '70s. The private production of the so-called second economy was mainly associated with women, who, while their husbands worked 'officially', managed animal production and intensive crop cultivation at home. Women thereby contributed considerably to household income (often more than their husbands did through official work), which also influenced their standing within the family (Andorka 1979: 544). On the other hand, the expansion of this second economy added to the 're-feminisation' of traditionally female caring obligations, as could be observed in the 1980s (Szalai 1991: 166).

In contrast to Hungary, in the GDR the decisive incentive to encourage women to have more children was the massive development of state supported childcare, allowing women to combine paid work and motherhood. This difference in policies led to decisive differences in practices of childcare. Notably, with reference to the number of children below the age of three, nursery attendance in the GDR was extremely high compared to Hungary. Whereas in 1989 in the GDR 80.2% of all children in this age group were cared for in so-called crèches, only 8.6% of children of this age group were cared for in this way in Hungary (Einhorn 1993: 262). In extreme cases, children could be accommodated in weekly crèches, where they would stay all week, including nights. Scholarly attention to public education was much more positive than in Hungary. It was only in the 1970s that the concentration on day care shifted in favour of the introduction of more 'conservative' measures, in which the GDR followed the example of other socialist countries, including Hungary, and introduced the so-called 'baby-year' that allowed mothers to stay at home for one year after the birth of a child. Nevertheless, the principle that both men and women should work and be given

²² In this respect, the situation in Hungary very much resembles the mother ideology and the policies of West Germany, which may support the thesis that this special feature is due to a combination of a strong protestant tradition and Post-Fascism (see Vinken: 2002).

the opportunity to do so was not affected. Consequently, nearly all women, and even more importantly, nearly all mothers, did engage in wage work in the GDR.²³

(c) *Post-socialist developments*

The legal differences regarding motherhood had consequences for post-socialist legislation as well, which sometimes resulted in quite contradictory legacies. In Hungary, the trend towards more means testing that had already begun in the late 1980s continued alongside the new neo-liberal emphasis on diminishing undifferentiated state intervention. The tendency to distribute state resources according to family need was met with resistance by women who felt that their rights as mothers were reduced (Haney 1999). But the government also introduced new maternal rights, such as a state income providing a minimal income for mothers of three or more children. Until their youngest child is eight years old, women are now counted as ‘professional mothers’ (Gábos 2000: 105-106).

In consequence of the special situation of unification, eastern Germany at once assumed the West German political and juridical system, including its family policies. In contrast to the socialist family policies that guaranteed work as well as state supported childcare, the West German conservative model of a welfare state favoured childcare at home.²⁴ This general trend was even strengthened when unified Germany introduced a programme (similar to that in Hungary) of ‘parental leave’ for up to three years, accompanied by an income-dependent allowance²⁵ and the guarantee that those taking advantage of three years’ leave would be able to

²³ For more details about the influence of changing social policy and models on the lives of women in the GDR, see for example Gerhard 1994; Merkel 1994; or Tippach-Schneider 1999.

²⁴ On different types of welfare states see Esping-Andersen 2003. One might speculate here that as West Germany and Austria actually share the same category of a conservative welfare state, especially with regard to female employment, that the similarity between West German and Hungarian state law has its origins in a similar history during the early development of the respective welfare states in the 19th century, when Hungary was still part of the Habsburg Empire.

²⁵ The terminology for and the specific amounts of the allowances have since changed several times.

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return to work at their former employer, but not at the same post. Thus, the change of system induced a process in which, with regard to the legal conditions surrounding early parenthood, eastern Germany and Hungary have become more similar than they were during socialist times. However, institutional and parental practices in fact still mirror the former legal differences.

Although commentators predicted the total loss of the former public childcare system in eastern Germany under unification, actual childcare coverage remained high compared to western Germany.²⁶ This explains why parents have no difficulties finding day care for their children in the German examples. Grandparental help compensates for the reduction in opening hours of childcare facilities, and enables parents to continue their employment in shift work. Their personal experiences with socialist day care had been positive, and thus grandparents take care of their grandchildren, not in order to avoid public childcare, but rather to supplement it (Thelen 2005a).

Another socialist legacy is the one-year maternity break for mothers in eastern Germany. According to the new policies mentioned above, Katja and Anke would have had the opportunity to take care of their children themselves at home for at least their first three years. But they did not, instead returning to work with the considerable help of the grandparents who bring and take children from day care, let them stay overnight at their place, feed them, and put them to bed.

Katja admits that she first thought of staying at home for a longer period of time. Although her mother openly says that she suffers under the time-consuming arrangement of caring for her grandson, it was she who advised her daughter to go back to her workplace earlier than she planned. She did this despite the consequences for her personal life, because she feared that otherwise her daughter would lose her job. After a change of leaseholder at the filling station where Katja works, her mother thought that “not knowing her”, the new boss would try to dismiss Katja as she is a single mother (DN, 2/17/2004). Her argument seems to have been convincing enough for Katja, who returned to work after one year break.

²⁶ This development was also influenced by the sharp drop in birthrate in the early 1990s (Kreyenfeld 2003).

In the Hungarian village, as in West German kindergartens, there is the same legal age limit of three years. In fact, the local kindergarten takes children only from three years on. When I asked them some months earlier if they would take my daughter, who was approaching her third birthday at that time, they refused. I was told that in the socialist past they made exceptions from this general rule more easily if a woman wanted to go back to work earlier. That means, the time span seems to have become even stricter and the return to wage work after the maternity break – easier during the socialist phase – has become much more unlikely under the new economic circumstances. Thus, in both research areas, the appropriate period for staying at home with small children is still oriented towards the respective socialist labour model. Economic restructuring in the eastern German case enforces the socialist gender model, while the Hungarian variant compounds female disadvantages.

The difference can be partly explained by the great normative value of wage work for both genders, and partly by experience of unemployment after the economic reforms. Hungarians and citizens of the former GDR shared the experience that work as such was valued positively, but the GDR promoted female participation in the workforce far more than Hungary. For the generation of the grandparents concerned, it is considered natural for parents or single parents to work, even if they have small children. When asked why, despite all inconvenience, she still supported their daughter in her working life, one of the grandmothers stated: “If we won’t do that, then nobody would do it and that would be the end of work, with only social assistance left, to tell it crudely now” (DN, 2/17/2004). Two aspects in her answer point to moral commitment towards wage labour: one is the apocalyptic phraseology with regard to “the end of work”, and the other is the almost shameful notion of social aid as the only alternative, which does not seem to be perceived as an acceptable solution at all.

Conclusion

The comparison of consequences of post-socialist legal reforms with respect to mutual assistance in families in eastern Germany and Hungary points towards conditions of legal continuity and of newly emerging forms of legal pluralism. One outcome is that within the framework of unification in eastern Germany former state law seemingly developed into a new unwritten customary law, thereby constituting a new form of legal pluralism. In contrast to eastern Germany the post-socialist legislation in Hungary build more on the former socialist laws. Here

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the locally gendered application of property reform constitutes another kind of legal pluralism.

Beside the framework of unification in Germany, another decisive condition for the development of differences in patterns of mutual assistance within families confronted with economic insecurity are differences in the former socialist norms and legislation concerning parenthood. Despite some similarities regarding their respective official representations of gender equality during the socialist period, Hungary and the former GDR in fact had quite distinct policies. As the Hungarian policies and ideologies resemble those in the former West Germany, and because East Germany took on the legal system of West Germany as a result of unification, both countries are now becoming more similar in legal terms in some areas than they were during socialism. However, the socialist differences have not vanished, but account for differences in practices today.

In the Hungarian case gendered norms regarding landed property, in connection with the norms and legal regulations regarding parenthood, result, in the framework of economic restructuring, in an economic disadvantage for women. Landed property is mainly interpreted as male property in the Hungarian case, where women had on the basis of their experiences with pre-socialist and socialist agriculture no incentive to return to private agriculture. As a consequence, despite the gender-neutral wording of legislation, in general women did not take any part in this activity. In contrast, privatisation was for some men a chance to start to work in private agriculture, especially where they had lost their former jobs. The oldest man in the family dominates the decision-making in this regard. With regard to norms and legal regulations concerning early parenthood, the conservative socialist legacy is most important. It rewarded women with secure jobs and long maternity leaves. Consequently, mothers would still usually stay at home for three years after the birth of a child, thereby restricting their subsequent opportunities on the post-socialist liberal labour market. At the same time, the former source of female income in the second economy is shrinking as a result of agrarian reforms. Thus the ground was prepared for the long-term and in fact undesired retreat of mothers into the household by Hungarian socialist policies and ideals, in combination with economic reforms.

In contrast, in eastern Germany, although pre-socialist landed property is also still regarded as male property, actual conflicts over inheritance arose around claims to property rights based on female caring obligations. The special situation of unification in Germany created the framework for the interpretation of conflicts in

terms of East-West differences. East Germans felt uncertain vis-à-vis the new legal system, and perceived themselves as often at a disadvantage compared to their West German relatives.

Adding to the perceived difference between eastern and western Germany are the different gender norms. Socialist policies in the GDR put more emphasis on combining motherhood and employment. This led to a higher degree of female participation in the labour market, a positive evaluation of public child care, and shorter maternity leaves than in Hungary. Eastern German mothers are strongly oriented towards wage labour and are effectively supported by their parents in their ambitions. The length of maternity leave after the birth of a child and the advice given by the elder generation indicate the lasting influence of the institutional arrangements and value orientation of the socialist past. While some differences in the described cases could be also attributed to the difference in urban-rural conditions or general economic differences, I have shown that traces of the past legal system influence these strategies decisively. In the case of eastern Germany, although most legislation of the GDR has been replaced, socialism still throws its shadow far beyond unification. Expectations of what constitutes appropriate support are deeply rooted in the respective legal systems before unification and continue to influence support relationships to the present day. In a situation in which large parts of the eastern German population are confronted with gender images and legal arrangements that resemble those of socialist Hungary, many opt for the “East German” socialist gender model.²⁷

The dissolution of the Soviet sphere of influence, in this special case, has made eastern Germany and Hungary more similar than before. The similarity of West German and Hungarian legal prescriptions and ideology regarding motherhood made up for this considerable degree of adjustment. At the same time, the actual situation of legal pluralism, that is the observance of past norms and legal understandings in behaviour and patterns of assistance, accounts for a considerable degree of difference between them. The overlapping legalities do not create an officially acknowledged legal pluralism, but represent a factual pluralism insofar as legal constellations of the past are important factors shaping current practices and evaluations.

²⁷ For a more detailed description of gender concepts used as a marker of East German identity see Thelen 2006, n.d.a.

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