

## BOOK REVIEW

F. von Benda-Beckmann, K. von Benda-Beckmann, E. Casino, F. Hirtz, G.R. Woodman and H.F. Zacher (eds.), *BETWEEN KINSHIP AND THE STATE: SOCIAL SECURITY AND LAW IN DEVELOPING COUNTRIES*. Dordrecht, Netherlands; Providence RI, USA: Foris Publications. 1988.

Sally Engle Merry

How are Third World nations to provide social security for their growing populations? Should they follow the models of the industrialized nations of Europe and North America, or should they build forms of social security linked to the informal social supports provided by kinship and community? Forms of informal social security are still found in many rural parts of the Third World, but they are fast disappearing. This volume moves the debate about social security and welfare policy from the industrialized, urban societies of Europe and North America to a new setting: the developing nations of the Third World. State-administered social security developed in Europe and North America during the nineteenth century along with industrialization and urbanization. In developing countries today, it also connects with the transition to a modern economy and city life. In the urban centers of Africa, Asia, and Latin America, the situation is somewhat like that of Europe and North America, but in the rural areas, it is quite different. Here one finds a broad array of non-state, local, and more or less informal systems of social control alongside government initiatives and programs. How to understand these informal systems and their links with the state is the subject of this interesting collection of papers.

As they change from rural, agricultural societies to urban industrialized ones, developing countries find that providing social security to the general population is a critical problem. With industrialization, there is a shift from kinship and community-based forms of security against individual economic crises such as old age, disease, unemployment, disability, and widowhood to ones provided by the state. Yet, formidable obstacles obstruct efforts to transplant the state welfare systems of advanced capitalist states to developing

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nations. The costs outstrip the capacity of national resources; the majority of workers are not usually part of a salaried industrial labor force; and situations of economic crisis surrounding death, disease, and disability are not unusual but are often the prevailing experience of large portions of the population. Thus, many of these nations face severe and growing difficulties in providing even a minimal level of social security for their people.

Providing social security for the rural farmer is particularly difficult. Large segments of rural society in developing nations are still part of informal, kin-based systems of social security, yet these are disintegrating along with the economic transformation to an urban industrial society. Informal systems are continuous with family and community life, separated neither in structure nor in folk understanding. They are now becoming increasingly fragile as the younger and more productive members of society migrate to cities and become absorbed in wage labor, leaving the more dependant, elderly, and sick to shore up village systems of social security. Running through the volume is a sense of urgency, a concern with what is to be done to protect the increasing numbers of elderly and destitute. There is a recognition that informal systems are disintegrating more rapidly than state-run systems are expanding, and that developing countries lack the resources to implement a European style of social security. There is a policy question as well as an analytic question behind the volume which brings a sense of immediacy and interest to this project. Many of the authors are writing about their own countries and the difficulties their governments are currently facing.

*Between Kinship and the State* is a wide ranging and thoughtful effort to address these questions. The collection of twenty-four papers covers the social security systems of some of the nations of Europe, Africa, the Middle East, Southeast Asia, and North America. It grows out of a 1986 conference which brought legal practitioners and legal academics interested in social security in Europe and in developing nations together with anthropologists interested in legal pluralism in the Third World. The possibilities of such a conference are exciting, since it draws together scholars who do not normally talk to each other. It can help to create a new and innovative field. But it must overcome the difficulties of misunderstanding and talking past one another. Both the strengths of this collaboration and some of its difficulties surface in this volume.

The collection is both fascinating and tantalizing. It frames old problems in new ways. The diversity in background and orientation of scholars makes it possible, I think, to move beyond some of the

traditional modes of thinking about developing societies. It is with difficulty that we escape the deeply entrenched nineteenth-century dichotomies which have shaped much of our twentieth century thinking, dichotomies such as modern and traditional, *Gesellschaft* and *Gemeinschaft*, urban and rural, law and custom. But contemporary social anthropology, along with other fields, is seeking to move beyond these dichotomies, to look at the way social settings partake of the qualities of both. This volume helps to get outside these traditional distinctions by asking about an area of social life generally thought characteristic only of modern industrial states in the setting of developing nations, and in particular in their more rural districts. Social security is a concept developed in the West, yet it describes a function fundamental to the operation of any social group. The authors of these essays thus challenge the notion that there are small-scale, isolated, and homogeneous societies which exist outside the nation state and entirely separate from it.

At the same time, this volume confronts thorny conceptual problems about what constitutes social security and how it can be defined in different social contexts. Definitional problems of this kind are inevitable whenever one attempts a close-grained analysis of a highly variable and diverse phenomenon such as formal and informal social security in industrialized and less-industrialized societies. The volume seeks to define not only what informal social security is but also the folk laws by which it operates. In the introduction, F. von Benda-Beckmann, K. von Benda-Beckmann, B.O. Bryde, and F. Hirtz rightfully critique the term traditional law and traditional social security, arguing that non-state social security and its operative rules are simply norms and institutions generated by private citizens which are not necessarily informal, traditional, archaic, or customary but may instead be recent and creative responses requiring a variety of cooperative efforts by modern people to the situations of uncertainty they face (p. 12). Some kinds of informal social security are based on old rules, and therefore "traditional," but others are recent innovations to cope with changing circumstances.

In this collaboration between lawyers and anthropologists (and a few economists), lawyers (primarily from Germany) look at the law of social security in industrialized countries and argue that the same provisions cannot be transferred to developing countries. The labor force in developing nations is more rural than in Europe and there are many more subsistence workers who are not part of a wage-earning work force. Developing countries must pursue creative policies which build on informal, traditional institutions. As H. F. Zacher, a specialist on social legislation in Germany, points out,

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modern social security is premised on "normalizing" those parts of the population with social deficits, bringing those less well off to the level of the rest (p. 31). When the population differs sharply between a rural subsistence economy and an affluent urban one, however, determining which groups are subnormal and to what level they are to be normalized becomes extremely problematic. Normalizing is only possible when subnormality is exceptional. M. Fuchs, a professor of social law in Germany who has written on problems of social security in Kenya and other parts of the Third World, argues that these countries need to find other, more creative ways of coping, building on traditional institutions and looking for interdependencies between formal and informal mechanisms of social security. Fuchs argues that this idea, although not new, has not been much considered since the 1960s (p. 48).

Anthropologists, on the other hand, have traditionally studied non-state forms of social security rooted in villages and families (although they generally thought they were studying kinship and social order rather than social security). They provide new ways of understanding the ways forms of help are organized outside the state as well as their historical derivations and present complexity. It is these forms of help which could provide the basis for creative new mechanisms of social security in developing nations. Happily, this volume does not offer a romanticized picture of a self-sufficient village life in which everyone helps and no one goes hungry. Instead, there are thoughtful explorations of forms of non-state social security ranging from slavery in pre-colonial Southeast Asia to remittances from emigrants to Europe. And there is full recognition of the extent to which these informal forms of social security are linked to an emerging state.

The introduction, presenting a more anthropological perspective, defines social security as the efforts of individuals, kin groups, villages, and state institutions to overcome the insecurities of future food, shelter, care and income (p. 10). To ask about social security in developing nations is, therefore, to ask about the reach of the state and state services which provide this help and to examine other sources of help provided outside the state, such as the family and the village. This way of posing the question leads inevitably to an analysis of the intersections of state and non-state systems, of the conjunction of various forms of social security in particular locations. Thus, the book helps us to rethink and deconstruct the powerful dichotomies in the social sciences which have separated village and state, urban and rural, and which have divided consideration of social security from the analysis of the reciprocities of village life. Examining the intersections of state and non-state social security in

a single social field shows how the extension of wage labor and the market into villages undermines kinship help and how the provision of state social security itself negatively affects informal social security. The introduction concludes:

For the time being, state provided social security will probably mainly affect local forms of social security in a negative way. While large parts of the population will receive hardly anything at all, and never enough to cover all risks, local forms of social security will in all likelihood continue to weaken. Large amounts of resources will be withdrawn from local mechanisms of social security, as a result of which the economically and physically weakest will suffer most. And they will be the least aided by government social security. For most programmes set up by governments of third world countries are directed at promoting income generating activities by the poor; they presuppose some physical and mental skills, as several contributions suggest. Those who lack such capacities will usually not be reached and will have to depend on the ever weakening, local mechanisms (pp. 18-19).

The essays in this volume discuss forms of social security and their operation across the developing world. Many of the articles are case studies, applying the general orientation of the book to particular locations. They describe both those forms of social security functioning within local areas and those administered by the state. The case studies generally describe situations in which kin-based forms of social security are waning, generally because people lack the resources necessary to maintain them rather than because they wish to abandon them. Yet, no state-administered systems are available. Despite the efforts of some countries, such as Taiwan, to introduce state systems, major obstacles exist to their funding and implementation. Some of the articles point out that such state systems of social security are even premised on fundamentally different conceptions of the individual and his or her relationship to society than that which prevails in some developing nations.

Despite my enthusiasm for the general approach of the volume and the questions it raises, reading it from cover to cover (and there are a lot of pages in between) is a deadening experience. Some articles are, of course, more creative and interesting than others. Only some of the articles move beyond detailed case studies to larger theoretical issues. There is a tendency to report similar situations in a variety of countries. The optimum way to read this book is, in my opinion, to read the introduction and general orientation section, then to

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sample the rest of the book depending on one's area of interest in the world. I will refer below to a few of the chapters individually.

Several articles discuss traditional forms of social security in various parts of the world: G. R. Woodman and R. Schott in West Africa, A. H. Bakari and A. Bossert in Tanzania, E. S. Casino, H. Slaats, K. Portier, and F. von Benda-Beckmann in Indonesia, Chang Chih-Ming in Taiwan, Choong Soon Kim in Korea, and F. Hirtz in the Philippines. These articles describe situations in which the government is unable to provide an adequate form of social security for people experiencing capitalist transformation, whether for those left behind in the rural areas when the young and able-bodied migrate to the city or for those who themselves move to the city and find themselves widowed, orphaned, ill, or unemployed. In Woodman's analysis of West Africa, he points out that there are folk laws of social security which have not been developed into lawyers's customary law, a body of customary law created on the basis of folk law rules. Yet, as the capitalist mode of production becomes dominant it brings with it an exaltation of individual effort by wage earners through individual rewards of material goods, an orientation opposed to ideologies of folk law security which depend on obligations imposed by membership in the kin group and an egalitarian distribution of goods. Folk law systems of social security are, therefore, not congenial to capitalist production nor are they supported by the courts which enforce customary law (p. 85).

Schott argues that in West Africa, under pressures of migration to cities for wage work and cash cropping in the rural areas, old people are left to raise crops for their own subsistence while encountering desertification and pressure on arable land. The old and ill, then, tend to stress the traditional obligations of the rich to the poor even more than they did in the past (pp. 103-104). This is not only a rural problem. In Bakari's examination of the urban centers of Tanzania, he points out that difficulties are also felt in the urban areas in which migrants resettle. Although many wish to continue to provide traditional forms of solidarity and support, they may lack the resources to do so. Yet, it is the state's lack of resources which renders it unable to step in to help in those areas in which the informal system is inadequate.

In contrast, in his examination of Moluccan immigrants in the Netherlands, F. Strijbosch describes a situation in which a combination of state and informal forms of social security provide adequate support. These migrants rely first and foremost on the regulations and institutions of the Dutch state for social security, applying to

the state for help with problems caused by disease, old age, unemployment, or size of family (p. 169). However, they also engage in significant reciprocal exchange of aid both within the Moluccan Dutch community and with relatives in Indonesia. His account, which contrasts sharply with the proceeding studies of the failure to provide non-state social security, highlights the critical role of prosperity in providing informal social security. Those who have enough seem willing and able to share and help others, while those living with want are forced to refuse to help, denying obligations based on kinship and neighboring.

In a particularly thorough and sophisticated study, J. Freiberg-Strauss and D. Jung describe the range of forms of informal social security available to the peasants in Columbia depending on their stage of familial development (young children, elderly parents, and so forth) and their available resources. Through rich case studies of peasant families and analyses of particular programs in one region of Columbia, this chapter provides some of the detail and complexity absent in the broad overviews of an entire country presented in other chapters. Similarly, A. Griffiths provides detailed documentation to show that support, in an economic sense, among the Bakwena in Botswana depends on the particular set of kin ties and stage of family development of an individual family and on the way the family members participate in wage labor. It would be helpful to have a national level account of the Botswana social security system to complement this detailed discussion. The study of informal and formal social security optimally contains both detailed local studies and broad portraits of the social security mechanisms of an entire country. Although the chapters in this volume provide both, they rarely join in a focus on a single country or situation.

One of the most interesting chapters in the volume is Keebet von Benda-Beckmann's account of government social security programs in Indonesia designed to benefit widows, orphans, the handicapped, and the elderly. In this careful and detailed account, she shows that three of these projects foundered for lack of management skill and for inability to work on the part of those to be helped. Only the widows' project, a cooperative store, managed to generate an income. This occurred, she argues, because there was sufficient skill in running the enterprise available and because the widows themselves were capable of sustained work and were accustomed to cooperative labor. Thus, this article provides one of the few successful examples of government-inspired social security which became self-supporting and at the same time illustrates how circumscribed the population is for which this approach is possible.

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In sum, the book is provocative and discouraging. There is a description here of a major crisis brewing: societies moving rapidly toward the kind of industrialized urban society common in the West which lack informal social security based on kinship and friendship, but without the governmental resources to provide public social security. There are a few positive notes: indications that groups with enough wealth will maintain informal social security and glimpses of some programs that help. But, overall the book sketches a problem which defies easy solutions. It is worth reading from that perspective and for its contribution to constructing a new and interesting field of research and theory by posing an untraditional question and bringing together an unorthodox group of scholars.