

BOOK REVIEW

Capitalism and Legal Change: An African Transformation by Francis G. Snyder, Academic Press, London 1981.

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This is a big book, both in terms of its length - 300 densely packed pages - in the amount of data presented and in its theoretical complexity. Quite clearly it is a major addition to the English literature on Francophone West Africa, and it will be indispensable for anyone interested in village-level agricultural change in this region. It complements the work of others, notably Donal and Rita Cruise O'Brien on the development of the political economy of Senegal as a whole. The meticulous data collection and presentation deserve high praise. However the author clearly sees the book as making a theoretical contribution, and it is also on these terms that the book has to be evaluated. How far does this approach shed new light on the development of peasant agriculture and law in countries like Senegal?

The focus of the book is on the changes in legal forms which have accompanied the incorporation of Banjul society into the capitalist world economy. The Banjul are a subgroup of the Joola or Diola who live in the lower Casamance area of southern Senegal, the strip of land between Guinea-Bissau and the Gambia. Since the incorporation of the area into the French colonial system in the 19th century major changes have taken place in the Banjul economy - the demise of the rice trade and the stagnation of rice agriculture, the imposition of taxation and the cash economy, and the development of migration and forms of commodity production. These changes have been accompanied by changes in household composition and the role of patrilineal descent, and of course by changes in legal forms.

These changes are described in the six chapters which follow the theoretical introduction. First Snyder describes Banjul society in the late 19th century to provide himself with a baseline for the

description of the changes which have taken place since then. Chapter 2 deals with the recruitment of labour, through marriage and reproduction, fostering and slave raiding. Snyder describes in detail the economic transactions involved in relations with kin, and in particular the payments of gamoen which sometimes took place after the death of an adult. The uterine kin of the deceased were entitled to ask for an animal, a piece of land or, sometimes, a woman in respect of their female agnate's child, and the patrifilial kin of the deceased would be obliged to provide it. A demand for such a payment could have a knock-on effect as the group which was asked to pay called in other debts owed to it. Banjal society was thus held together by a dense network of claims and prestations, and this reinforced the tendency towards endogamy as marriages were restricted to those against whom such claims could be successfully pressed.

The third chapter deals with production, distribution and exchange. Inheritance was in theory "homogenous" in that resources, including land, passed between people of the same sex. The land allocated to a woman on her marriage as her dowry plots could be worked by her children after her death, but would eventually pass not to their children, but to another female member of her patrifilial group.

The remaining chapters deal with the subsequent changes in Banjal social and economic organization. The arrival of the French traders and administrators led to the imposition of cash as the principal medium of exchange instead of rice, and to the development of migration. Changes also took place in production: rice agriculture declined in importance while the production of commodities such as groundnuts increased. Patterns of labour recruitment also changed, with the fragmentation of the household and the increasing use of alternative sources of labour. These changes were also linked to changes in marriage patterns, in part through the impact of the missions, while Banjal endogamy has been eroded. The principle of homogenous inheritance has been modified and gamoen payments, made increasingly in land, have sharpened competition between individual members of patrifilial groups and hastened group fragmentation. Land transactions have also been modified: the duration of land pledges is often so long that they now constitute a sale. The power of the elders to demand repayment has declined, and the weakening of these mechanisms of redistribution has meant an increasing level of social differentiation among the peasantry.

These processes are, in essence if not in detail, fairly easy to grasp, and can be paralleled elsewhere in the region. Snyder, however, chooses to describe them in a theoretical framework of such complexity that one has to hack one's way through an

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undergrowth of verbiage to grasp what is actually happening. It is the sort of undergrowth which flourishes in the work of some French marxist anthropologists, but it is also rather reminiscent of the earlier functionalism of Fortes. A partial road map is provided by the compendium of definitions in the first chapter, though even these definitions are hardly models of lucidity. The frustrated reader is left asking the question what is to be gained by wrapping up such excellent ethnographic data in such a thick marxist padding. In one sense it is all very well done: every definition, every theoretical point is almost pedantically clinched with a reference to The Works of The Master. But the cumulative effect is to instil in the reader a feeling of exhaustion, without actually shedding much light on the processes under discussion. For what is at stake is not the actual process: it is the terminology in which the process is to be described. The legitimating functions of sociological obscurity have been well described by Alvin Gouldner, but in practical terms a terminology closer to normal English usage would have been welcome. It is not just a problem with marxist analysis: many of the functionalists are similarly obscure, while many of the best marxist writings on west Africa are extremely lucid. Snyder's style, by contrast, seems designed to obfuscate.

When one has worked out precisely what his approach is, one finds that it works best in the sections on Banjal kinship. His definition of mode of production posits the unity of production and reproduction: thus marriage and patrifilial kinship are firmly linked to the circulation of land and labour. Banjal kinship is not based on corporate groups claiming a joint interest in specific pieces of land: instead members of dispersed patrifilial groups claim individual plots in specific situations. Snyder emphasises the network of debt and reciprocity linking households as production units. Similarly he sees marriage as enabling the recruitment of new dependents, as establishing new production and consumption units, and as linking kin groups in new transactions.

The limitations of Snyder's approach are, ironically, most evident in his analysis of the legal system. West African legal systems at the local level are examples of pluralism par excellence, and much of their fascination lies in the contrast between indigenous and imposed legal institutions, the interaction between them, and their manipulation by the litigants through both formal and informal means. Snyder's emphasis is rather different. His aim is to analyze "legal forms in their connection with the process of production and reproduction of social relations" (p.11). He rejects those approaches which see law as a body of rules, as order guaranteed through the threat or use of sanctions, or as governmental social control. Neither is he interested solely in

dispute settlement or individual decision-making. The problem with his wide and abstract approach is that he nowhere deals systematically with the different institutional arrangements which exist for dispute settlement in Banjal society and the relations between them. There are of course references to such procedures, but anyone wanting a rounded account has to piece the evidence together for himself.

There is another, and perhaps more serious, problem relating to this emphasis on legal forms as the basis for the discussion. I mentioned earlier the echoes of Fortes' work in this book, and the similarity does not end with the prose style. Like Fortes, Snyder is primarily interested in general rules: the rule is stated first, and then exemplified with the case material. This is in sharp contrast to, for example, the work of the Manchester anthropologists with their extended cases. For Snyder, as for Fortes, the statement of normative or statistical regularities has pride of place. From this point of view the existence of the legal forms is assumed in the mode of presentation. Snyder's marxist analysis turns out to have very Durkheimian roots in its constant emphasis on Banjal collective representations and their transformations. The case material he presents however suggests something rather different. Rather than "real" legal forms we see a shifting world of ideologies manipulated by individuals to legitimate their own material interests. The legal forms are seen for what they are: they are the result of a mediating process of conflict between individuals and it is arguable that the processes of conflict are more interesting to the anthropologist than the evanescent legal forms to which they give rise.