

costs/interests" (p.56). It is this basic option which enables Hanisch to overcome the "contradiction" between formal and informal credits. From a peasant's point of view these are just credits for different economic and social costs. Hanisch's suggestion of incorporating the informal sector into the formal credit system (p.59) is a valuable proposition for the practitioner though it implies political changes.

All in all: this booklet should be widely circulated. The high quality of its rich appendix with statistical data only confirms this recommendation.

Frank Hirtz

ROLF HANISCH (ed.): Land Reform and Dispute Processing in the Philippines. (Darstellungen zur internationalen Politik und Entwicklungspolitik, 14). Baden-Baden: Nomos-Verlagsgesellschaft, 1983. 144 pages, DM 38.-

This booklet contains two research reports: "Legal Norms and Rural Dispute Processing Viewed from the Institutional Level" by Ulrich Rausch (p.17-104) and "Land Dispute Processing Viewed from the Village Level" by Norma Tinambacan (p.105-144) and an introduction by the editor (p.1-13).

The first study by Rausch was carried out in 1979 in Guimba, Nueva Ecija. He gives a concise account of the legal history of agrarian reform in the Philippines, and delineates in this chapter some basic information on the social interaction between landlord and peasantry (p.19-29). He continues with an overview of the legal and administrative systems at the time of research (p.31-44) and the judicial machinery (p.46-59). The latter part of the study is devoted to the discussion of 8 cases whose handling the researcher could observe personally. They are, though stated very briefly, illuminating for those who want to get a first insight into agrarian conflicts. The study concludes with an analysis of the "capacity of the Court of Agrarian Relations" (CAR) and the Ministry of Agrarian Reform/Bureau of Agrarian Legal Assistance "to solve problems in the framework of land reform" (p.85-99).

The second study, much shorter than the first, adopts methodologically "the perspective of the Militant Observer" (p.109) in two villages of Nueva Ecija. After a brief presentation of the background of the research setting (p.111-118), Norma Tinambacan describes, all in all, 13 agrarian conflicts (p.119-138).

One has to acknowledge that this study is one of the few socio-legal researches initiated in Germany in this field. Also Ulrich Rausch shares worthwhile reflections on the relationship between formalized legal systems and amicable settlements (p.87-89) and N. Tinambacan succeeds in slightly lifting the veil of silence which makes so many voices in the rural Philippines un-

heard. But apart from occasional revealing insights, the booklet as a whole is very disappointing.

For a start: the entire judiciary had been reorganized three years before the book was published (Batas Pambansa 29, 1980), a fact nowhere mentioned: Through this act the entire Court of Agrarian Relations has been abolished. The notion that land reform is limited to rice and corn lands only pertains to PD 27 (which did not overrule the previous legislation), indicating further unfamiliarity with the legislative background of the land reform. The extent of jurisdiction of the Ministry of Agrarian Reform (MAR) and the Court of Agrarian Relations (CAR) in defining tenancy has not been touched upon. (This conflict defines whether somebody is covered by land reform or not!) The guidelines on conciliatory procedures issued by MAR and their actual implementation are not discussed.

Furthermore, the individual cases presented do not provide enough material to see their legal merits (e.g. case no. 4 has, according to the reviewer, a different legal history, and a follow-up within the Ministry of Agrarian Reform would shed different light upon them (CAR cases no. 811 and 805) etc.). In short, the first study reads as if it had been discontinued in the process of research.

This likewise holds true for the study of N. Tinambacan. All the cases presented show how important studies like these are, but the presentation fails to delineate at least in one case the complexities and political implications on the village level. "Conflicts have taken roots many years back and are time-consuming" (p. 118). There is a need to substantiate these statements. Factual errors (e.g. RA 3488 and not PD 27 and PD 175 abrogated share tenancy) and confusions abound: a conflict arose, in 1978, the leasehold contract was signed in 1980 (case 6, p. 126) etc. The interesting questions N. Tinambacan asks and their lively presentation would have gained considerably from a more in-depth inquiry.

As for the introduction, any serious student of sociology/anthropology of law will hardly gain anything from these notes. Any newcomer to this rich traditional field of research is advised to skip it entirely, in order to avoid confusion.

However, there is one respect in which the reviewer wholeheartedly supports all three authors of this booklet: the Philippine agrarian reform is (still) far from what it claims to finally achieve. The reviewer would have liked to have this supported by some proper research.

Frank Hirtz