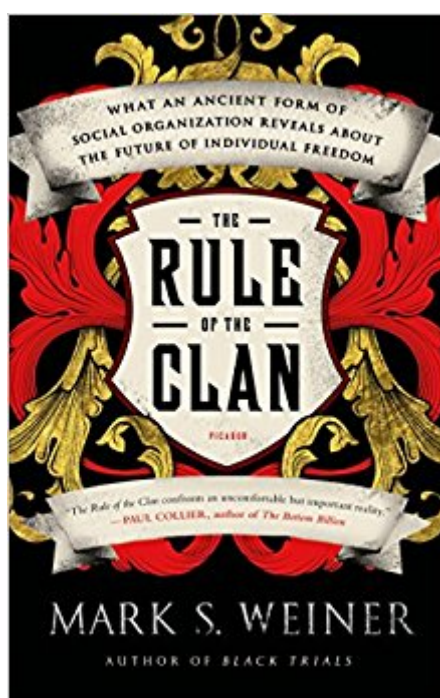


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# The Rule Of The Clan: What An Ancient Form Of Social Organization Reveals About The Future Of Individual Freedom



## Synopsis

Winner of the Grawemeyer Award For Ideas Improving World OrderA lively, wide-ranging meditation on human development that offers surprising lessons for the future of modern individualism, *The Rule of the Clan* examines the constitutional principles and cultural institutions of kin-based societies, from medieval Iceland to modern Pakistan. Mark S. Weiner, an expert in constitutional law and legal history, shows us that true individual freedom depends on the existence of a robust state dedicated to the public interest. In the absence of a healthy state, he explains, humans naturally tend to create legal structures centered not on individuals but rather on extended family groups. The modern liberal state makes individualism possible by keeping this powerful drive in check—and we ignore the continuing threat to liberal values and institutions at our peril. At the same time, for modern individualism to survive, liberals must also acknowledge the profound social and psychological benefits the rule of the clan provides and recognize the loss humanity sustains in its transition to modernity. Masterfully argued and filled with rich historical detail, Weiner's investigation speaks both to modern liberal societies and to developing nations riven by "clannism," including Muslim societies in the wake of the Arab Spring.

## Book Information

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## Customer Reviews

“Weiner doesn't simplify his argument by dismissing or condescending to the clan system; he engages with the very real benefits provided by one of the most durable political associations in human history....This erudite, quick-paced book demonstrates what the mix of modernity and clans

can create. — The New York Times Book Review — “An accessible, mesmerizing, and compelling argument...An important book...Highly recommended — New York Journal of Books

Mark S. Weiner teaches constitutional law and legal history at Rutgers School of Law in Newark, New Jersey. He is the author of *Black Trials: Citizenship from the Beginnings of Slavery to the End of Caste*, which received the Silver Gavel Award of the American Bar Association, and *Americans Without Law: The Racial Boundaries of Citizenship*, which received the President's Book Award of the Social Science History Association. He lives with his wife in Connecticut.

In any given major newspaper today, there will be a story revolving around a clan based society that is alien to Western liberal society. (By liberal I mean supportive of the individual and not liberal vs conservative party politics). Sometimes the clan name or group is not even named, but the subtext of the action, usually conflict or violence against another group, suggest that something other than individualism or nationalism is at play. Afghanistan, Pakistan, Somalia, and Libya are some examples of countries where there is little doubt that clans hold more power than the state, and fight for it amongst each other. But, how do these clans work? Those of us in the West, without family ties to clans, may be forgiven for having no clue of the boundaries and possibilities available in clan society. What is the concept of justice when an Afghan family, whose member hurt or killed a girl from another family, must turn over a young girl to be married into the very family who suffered a loss? Is it possible for individual values that we cherish in the West, to more or less try and pursue one's own ambitions, to co-exist with tribal rule? Why don't people in tribes just shake off their shackles and join the rest of us by espousing our liberal society? While the stories are told daily in intelligent and erudite news sources, the news does not explain the basic functionality of clans. A Western reader would be forgiven if he attributed to clans the features of a particularly close-knit family or even a Sicilian mafia situation. But, there is much more nuance, and in the countries listed above, more power than family or mafia would hold. This book shines a bright and clear light on clan society, a functioning world order that near totally conflicts with Western values. Further, this book shows how clan values do not have to be obliterated by Western liberal order; they can exist side by side, so long as people are protected under laws that put individual rights as paramount to clan rule. The change for me in reading the news was night and day. I also understand better people who I lived with in Senegal, who put the patriarch of the family first, even in terms of charitable donations. This book would be of great help to anyone who wants deeper insight into the news. More

importantly, this book would help those who interact with clans on any level, and likely would help policymakers. If we envision successes in the middle east like Lawrence of Arabia had against the Ottoman Empire, then we have to have a clear understanding of the world they inhabit. The understanding would likely change our policy and might allow us to come to different conclusions about our foreign policy that are ultimately humanitarian and, in the long run, make a better case for western liberal thought.

Often, nonfiction does not hold my attention, even if it is about a topic that I thought would interest me. This book is an exception. Drawing upon others' research as well as his own, Weiner shows convincingly (to me, at least) that family-based power will govern when few or no other structures exist in a society. He helped me understand the reasons for many actions and qualities of clan-like organizations. I now see patterns in many political and cultural struggles around the world today. The book flows along at just the right pace.

This book does a good job of explaining how barbaric practices such as feuds and honor killings are integral parts of clan-based systems of dispute resolution, and can't safely be suppressed without first developing something like the modern rule of law to remove the motives that perpetuate them. He has a coherent theory of why societies with no effective courts and police need to have kin-based groups be accountable for the actions of their members, which precludes some of the individual rights that we take for granted. He does a poor job of explaining how this is relevant to modern government. He writes as if anyone who wants governments to exert less power wants to weaken the rule of law and the ability of governments to stop violent disputes. (His comments about modern government are separate enough to not detract much from the rest of the book). He implies that modern rule of law and rule by clans are the only stable possibilities. He convinced me that it would be hard to create good alternatives to those two options, but not that alternatives are impossible. To better understand how modern individualism replaced clan-based society, read Fukuyama's *The Origins of Political Order* together with this book.

While it is easy to recognize strong, albeit strictly limited, civil government as a necessary prerequisite to individual liberty. The case for the clan as the primary threat to both government and individualism is less convincing. The clan structures described all seem to flourish in fairly isolated, insular environments. It is difficult to see how they would survive, let alone prevail, in a connected global economy. Nevertheless, it does seem worthwhile to develop an understanding of clan

societies as they are not yet extinct and could do a great deal of damage (Putin's Russia, Bin Laden's Arabia) before they pass from the scene.

The book does a good job of tracing the clan and clan-like activities through the ages to present times. The author does not fall into the trap of many comparative law authors of looking very narrowly at a few examples but instead he spans the globe with most of the book. He also cross-references the various examples multiple times to emphasize his points and keep the reader following closely. The end suggests that the clan will emerge in a new form but that the ideal system is a mixture perhaps of the rule of the clan and rule of law. Of particular interest were his comments about how clans can reemerge quickly after a tribal society has been "Westernized" and how Marx and Engels tried to use clan theory to justify communism. An enjoyable and informative read. Would be an excellent basis for a short law school course.

I read it while teaching the Leviathan. Weiner makes Maine's movement from status to contract reversible, so that contemporary anti-statist or anti-political movements are not atavistic but reasonable responses to crises. I like the way he shows that the rule of the clan is a default position, and that the state is a precarious achievement

Rule of the Clan is a delight: important, thoughtful social and legal analysis leavened by fascinating examples, from an Irish Pub in Georgia to medieval Iceland, from the south of Sudan to the sci-fi future of Avatar. Mark Weiner's clean prose and impressive scholarship add up to a rare combination.

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