



**INTERNATIONAL
POLITICAL ECONOMY SERIES**
SERIES EDITOR: TIMOTHY M. SHAW

Governance Beyond the Law

The Immoral, The Illegal, The Criminal

Edited by Abel Polese · Alessandra Russo
Francesco Strazzari



palgrave
macmillan

International Political Economy Series

Series Editor

Timothy M. Shaw

Visiting Professor

University of Massachusetts Boston

Boston, MA, USA

Emeritus Professor

University of London

London, UK

The global political economy is in flux as a series of cumulative crises impacts its organization and governance. The IPE series has tracked its development in both analysis and structure over the last three decades. It has always had a concentration on the global South. Now the South increasingly challenges the North as the centre of development, also reflected in a growing number of submissions and publications on indebted Eurozone economies in Southern Europe. An indispensable resource for scholars and researchers, the series examines a variety of capitalisms and connections by focusing on emerging economies, companies and sectors, debates and policies. It informs diverse policy communities as the established trans-Atlantic North declines and ‘the rest’, especially the BRICS, rise.

More information about this series at
<http://www.palgrave.com/gp/series/13996>

Abel Polese
Alessandra Russo • Francesco Strazzari
Editors

Governance Beyond the Law

The Immoral, The Illegal, The Criminal

palgrave
macmillan

Editors

Abel Polese
School of Law & Government
Dublin City University
Dublin, Ireland

Alessandra Russo
Centre Émile Durkheim
Sciences Po Bordeaux
Pessac, France

Institute of International Studies
Tallinn University
Tallinn, Estonia

Francesco Strazzari
DIRPOLIS Institute of Law
Politics and Development
Scuola Superiore Sant'Anna
Pisa, Italy

International Political Economy Series

ISBN 978-3-030-05038-2 ISBN 978-3-030-05039-9 (eBook)

<https://doi.org/10.1007/978-3-030-05039-9>

Library of Congress Control Number: 2019934710

© The Editor(s) (if applicable) and The Author(s) 2019

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use. The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

This Palgrave Macmillan imprint is published by the registered company Springer Nature Switzerland AG.

The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

CONTENTS

| | | |
|----------|--|-----------|
| 1 | Introduction: “The Good, the Bad and the Ugly”: Transnational Perspectives on the Extralegal Field | 1 |
| | Abel Polese, Alessandra Russo, and Francesco Strazzari | |
| | Part I The Social Morality of Crime | 27 |
| 2 | <i>Conversations Bamakoises</i> in Time of Crisis: Criminalisation of Everyday Life and State Formation in Mali | 29 |
| | Giovanni Zanoletti | |
| 3 | The Criminalization of Informal Practices in the Danube Delta: How and Why | 49 |
| | Giulia Prelz Oltramonti and Mihnea Tanasescu | |
| 4 | Use of Language in Blurring the Lines Between Legality and Illegality | 67 |
| | Gulzat Botoeva | |

| | | |
|----------------|---|------------|
| 5 | Mothers as Pot Legalizers: From Illegality to Morality in Medical Use of Cannabis in Latin America | 85 |
| | Luis Rivera Vélez | |
| 6 | Negotiated Prohibition: The Social Organisation of Illegal Gambling in Ukraine | 105 |
| | Anna Markovska and Yuliya Zabyelina | |
| 7 | Coping Mechanisms of Ukrainian Patients: Bribes, Gifts, Donations, and Connections | 125 |
| | Olena Levenets, Tetiana Stepurko, Milena Pavlova, and Wim Groot | |
| 8 | Collateral Damage of Global Governance on the Local Level: An Analysis of Fragmented International Regimes in the Brazilian Amazon | 145 |
| | Regine Schönenberg | |
| Part II | Opposition of “Us” Against “Them” | 165 |
| 9 | Informality and the Revolutionary State in Russia | 167 |
| | Joseph Nicholson | |
| 10 | Informality, Criminality, and Local Autonomy in the Balkans: A Geographic-Based Analysis of State Confines | 183 |
| | Régis Darques | |
| 11 | ‘Stealing from the State Is Not Stealing Really, It Is a National Sport’: A Study of Informal Economic Practices and Low-Level Corruption in Hungary | 209 |
| | Fanni Gyurko | |

| | | |
|-----------------|---|------------|
| 12 | Cross-Border Smuggling in North Niger: The Morality of the Informal and the Construction of a Hybrid Order | 227 |
| | Luca Raineri | |
| 13 | Informality and State-Society Relations in Post-2011 Tunisia | 247 |
| | Ruth Hanau Santini and Stefano Pontiggia | |
| 14 | Informal Communities and Cannabis Regulation in the Emerald Triangle | 267 |
| | Liza Candidi | |
| Part III | Informality and Resistance | 289 |
| 15 | The First Moldovan Students in Romania (1990–1991): Informal Traders or Agents of Change? | 291 |
| | Petru Negură | |
| 16 | Nothing to Lose: The Power of Subtle Forms of Resistance in an Immigration Detention Centre | 309 |
| | Annalisa Lendaro | |
| 17 | Out of the Rubble: Affective Infrapolitics in Bangkok | 323 |
| | Jaime Moreno-Tejada | |
| 18 | Informal Governance on Cryptomarkets for Illicit Drugs | 343 |
| | Meropi Tzanetakis | |
| Index | | 363 |

NOTES ON CONTRIBUTORS

Gulzat Botoeva is Senior Lecturer in Criminology at the University of Roehampton. She received her Ph.D. in sociology from University of Essex in 2015. Her doctoral work focused on small-scale illegal hashish production in the Issyk-Kul region of Kyrgyzstan. She is interested in studying illegal economies in Central Asia and across the post-Soviet region through economic sociology and sociology of law. She uses ethnographic research methods to explore the dimensions of illegality.

Liza Candidi is a post-doctoral research fellow at the Gran Sasso Science Institute (L'Aquila). She has carried out her Ph.D. research in Berlin at the Humboldt-Universität on the politics of urban memories. Her research activity is currently focused on informal settlements and autonomy, resilience, with a particular emphasis on the interaction between sustainability policies and grass-roots practices, as well as on urban social movements, specifically the ones related to environmental challenges and food sovereignty.

Régis Darques is a research fellow at the French National Centre for Scientific Research (Centre national de la recherche scientifique; CNRS). He is based at the research unit “Acteurs, ressources et territoires dans le développement” in Montpellier. His works mainly focus on Balkan geography and Mediterranean Studies, combining data from field-based experiences with quantitative analyses and the creation of geographic databases. His expertise includes remote sensing and advanced GIS techniques.

Wim Groot is Professor of Health Economics since 1998 and Professor of Evidence Based Education since 2008 at Maastricht University. Since 2015 he is also Professor of Evidence Based Education and Labour Market Policies at the University of Amsterdam. He is Scientific Director of the Top Institute Evidence Based Education Research and of the Teachers Academy of Maastricht University. His research interests are in the field of health economics and economics of education.

Fanni Gyurko is a Ph.D. researcher in Central and Eastern European Studies (College of Social Sciences) at the University of Glasgow. Her research interests include informal economic practices, low-level corruption, post-socialism, and Central and Eastern European migrants in the UK. Her dissertation explores the socio-legal aspects of low-level corruption and informal economic transactions of long-term local residents and migrants in Scotland and Hungary.

Ruth Hanau Santini is Assistant Professor of Politics and International Relations at the University of Naples L'Orientale. She is research associate at the Institute of Middle East, Central Asia and Caucasus Studies at the University of St. Andrews. She carries out research on European foreign policy vis-à-vis the Middle East and North Africa (MENA) region, international relations of the Middle East, and North African politics.

Annalisa Lendaro is a permanent research fellow in political sociology at the French National Centre for Scientific Research (Centre national de la recherche scientifique; CNRS). Her main interests deal with migration policies, their application in border territories, and their effects on migrants. By using ethnographic methods, her studies try to shed light on migrants' agency.

Olena Levenets is a Ph.D. student at Tallinn University of Technology. She investigates informal economy in Eastern Europe, mainly focusing on Ukraine and Georgia. Olena graduated from a joint program from School of Public Health of National University of Kyiv-Mohyla Academy and Maastricht University. She combines experience in health-care administration in the private sector in Ukraine with health-care project management in the non-profit sector.

Anna Markovska is Principal Lecturer in Criminology at Anglia Ruskin University, the UK. Her research interests include the issues of corruption, organized and state crimes, legal and illegal markets, labor exploitation, and policing reforms. Anna currently works on the British

Academy-sponsored project on practicalities of policing slavery and exploitation. She has been published in the *Cross-Border Crime Colloquium* series.

Jaime Moreno-Tejada is a historical geographer with a background in anthropology and an interest in non-Western modernity. Jaime has conducted research in Ecuador and Thailand, among other countries, and is currently based in China, where he teaches geography at Liaoning Normal University-Missouri State University College of International Business. Jaime's research involves frontiers and transnational studies, more specifically Latin America and Asia.

Petru Negură is Associate Professor at the Free International University of Moldova and researcher at the Centre for Sociology and Social Psychology in Chişinău. He received his Ph.D. in sociology from the Ecole des Hautes Etudes en Sciences Sociales (Paris).

Joseph Nicholson is a final year history Ph.D. candidate whose research focuses on the Russian Revolution. His upcoming thesis is entitled "Commerce, Control and Corruption: Bolshevik Approaches to Trade 1917–1923." It looks at how the revolutionary leadership viewed private trade and the market as a morally corrupt sphere and how their attempts to regulate them on coming to power played a crucial role in shaping the future Soviet regime. The project is based on archival research conducted in Moscow and Saint-Petersburg and is funded by a studentship from the Economic and Social Research Council.

Milena Pavlova is Associate Professor of Health Economics at the Department of Health Services Research, Faculty of Health, Medicine and Life Sciences, Maastricht University. From 2008 to 2013, she was the coordinator of the international FP7 project "Assessment of patient payment policies and projection of their efficiency, equity and quality aspects: the case of Central and Eastern Europe," which studied the issues of formal and informal patient payments in Europe, specifically in the Central and Eastern European countries.

Abel Polese is Senior Research Fellow at the Institute for School of Law & Government of Dublin City University, Ireland. He has been a Marie Curie Fellow at the Technical University of Dresden, Germany, and the University of Edinburgh, Scotland. He also worked as a policy analyst for the European Commission.

Stefano Pontiggia holds a Ph.D. in social sciences and humanities from the University of Ferrara. He is currently Lecturer in Anthropology at the Verona Academy of Fine Arts. Between 2013 and 2017, he conducted fieldwork in southern Tunisia. His fields of interest are political anthropology, power, inequality, and social and territorial marginality.

Giulia Prelz Oltramonti is a post-doctoral researcher at the Université Libre de Bruxelles. She focuses on violent and non-violent processes of bordering in the Caucasus and the Sahara-Sahel; on political economies of violent conflicts; and on secession and de facto states. Her latest publications are “Conflict protraction and the illegality/informality divide” (appeared in *Caucasus Survey* in 2017) and “The making of groups, boundaries and cleavages in the South Caucasus: from macro to micro dynamics,” published in *Security, Society and the State in the Caucasus*, edited by Kevork Oskanian and Derek Averre for Routledge in 2018.

Luca Raineri is a research fellow at the Scuola Superiore Sant’Anna, Italy. With a view to exploring the links between border practices, international security, and organized crime, his research focuses mainly on the impact of extra-legal economies (narcotics, arms, migrants, subsidized goods) on security and development in Africa, where he has carried out several rounds of field research since 2010. His work has been published in edited volumes and international journals such as *African Security*, *Journal of Peacebuilding and Development*, *Civil Wars*, and *the Journal of Modern African Studies*.

Luis Rivera Vélez is a Ph.D. candidate at the Center for International Studies (Centre de recherches internationales; CERI) at Sciences Po Paris. His primary research focuses on the evolution of the drug policy laws in Latin America. This includes a reflection on how ideas affect policies and can be considered a variable for change. He has published about the role of ideas concerning the matching of abortion, gay marriage, and cannabis legalization demands in a unique agenda in Uruguay.

Alessandra Russo is a post-doctoral researcher at the Centre Emile Durkheim, Sciences Po Bordeaux. She completed her Ph.D. at Scuola Superiore Sant’Anna (Italy). She specializes in the study of regional organizations (with a special focus on the post-Soviet region), critical theories of security studies, transnational organized crime, and terrorism.

Regine Schönenberg is a political scientist who has been working for 30 years in the Amazon and 20 years on transnational organized crime. She has participated in the UNESCO's Management of Social Transformations (MOST) Programme, specifically working on drugs and democracy. Since then, her emphasis is on the interdependence of social transformation and the criminalization of whole life worlds by state regulation. She currently works at the Latin American Institute at Free University Berlin, where she has been hosting since 2013 the *Jour-fixe* on transnational organized crime.

Tetiana Stepurko is assistant professor at the School of Public Health, National University of Kyiv-Mohyla Academy in Kiev, Ukraine. Since 2016 she is national coordinator of Erasmus + capacity-building project "Bridging Innovations, Health and Societies. Educational capacity building in the Eastern European Neighbouring Areas (BIHSENA)" and principal researcher of "Health Index. Ukraine."

Francesco Strazzari is Associate Professor of International Relations at Scuola Superiore Sant'Anna and adjunct research professor at the Norwegian Institute of International Affairs. He specializes in conflict and security studies, focusing on European security, state building, extra-legal governance, transnational organized crime, (counter) narcotics, and arms and armed groups.

Mihnea Tanasescu is a post-doctoral researcher at the Vrije Universiteit Brussel. His research is in the field of political ecology, where he studies human-animal relations, the politics of nature conservation and rewilding, and the political representation of non-human entities.

Meropi Tzanetakis is Erwin-Schrödinger Post-doctoral Fellow (FWF) at the University of Essex and the University of Vienna. Her research interests include digital technologies, political economy, and economic sociology. More specifically, she is interested in the social embeddedness of anonymous platforms on the darknet and how they transform off-line markets. Meropi was a visiting research fellow at the University of Oslo and the Alexander von Humboldt Institute for Internet and Society in Berlin. She is editor of *Drugs, Darknet and Organised Crime* (Nomos, 2019) and also serves as editor of the *Kriminologisches Journal* (KrimJ).

Yuliya Zabyelina is Assistant Professor at John Jay College of Criminal Justice, City University of New York. Before moving to the United States,

she held a post-doctoral position at the University of Edinburgh School of Law and lectured at Masaryk University in the Czech Republic. She specializes in transnational organized crime and the existing mechanisms for its prevention and control. Her research also covers topics of post-Soviet politics and governance. She has worked as a consultant for the United Nations Office on Drugs and Crime (UNODC) and has been recognized with several professional awards, including the Newton International Fellowship (2013).

Giovanni Zanoletti is a Ph.D. candidate in political science at the Université Paris Nanterre and his research focuses on state formation and violence in the Sahel, notably in Mali. He specifically studies the nexus between the construction of the nation state, the resilience of historical repertoires of political authority, the extra-legal patterns of government, and the emergence of armed groups. His research experiences include extensive fieldwork in Morocco and Mali.

ACRONYMS

| | |
|-------------|---|
| ANPA | National Agency for Fishing and Aquaculture |
| ANR | Romanian Naval Authority |
| APROSOJA-MT | Associação dos Produtores de Soja e Milho do Estado de Mato Grosso |
| ARBDD | Biosphere Reserve Authority of the Danube Delta |
| CAMP | Campaigns Against Marijuana Planting |
| CBD | cannabidiol |
| CBD-8j | Convention of Biodiversity, Chapter 8j |
| CCR | Road Traffic Police |
| Cheka | Vserossiiskaia Chrezvychainaia Komissiia Po Bor'be c Kontrrevoliutsiei, Spekuliatsiei i Sabotazhem = The All-Russian Extraordinary Commission For Combating Counter-Revolution, Speculation and Sabotage. |
| CIVAJA | Conselho Indígena do Vale do Javari |
| COIAB | Coordenação das Organizações Indígenas da Amazônia Brasileira |
| CPSA | Centro di primo soccorso e accoglienza |
| DDR | Disarmament, Demobilization, Reintegration |
| DEA | Drug Enforcement Administration |
| DPIM | Directia Politici si Inspectii Maritime |
| DTM | Digital Terrain Model |
| ECOWAS | Economic Community of West African States |
| ESRI | Environmental Systems Research Institute |
| EU | European Union |
| Eurodac | European Dactyloscopy |
| FAMATO | Federação da Agricultura e Pecuária do Estado de Mato Grosso |

| | |
|-----------------------|--|
| FBI | Federal Bureau of Investigation |
| GDP | Gross Domestic Product |
| GIS | Geographic Information System |
| GRECO | Group of States against Corruption |
| IBGE | Instituto Brasileiro de Geografia e Estatística |
| ILO C 169 | International Labor Organization, C 169 – Indigenous and Tribal Peoples Convention, 1989 (No. 169) |
| IMF | International Monetary Fund |
| INCRA | Instituto Nacional de Colonização e Reforma Agrária |
| IR | International Relations |
| ISO | International Organization for Standardization |
| ITERPA | Instituto de Terras do Pará |
| LANDSAT | Land Remote Sensing Satellite |
| LANDSAT ETM+ | Landsat Enhanced Thematic Mapper Plus |
| LANDSAT OLI | Landsat Operational Land Imager |
| LANDSAT TM | Landsat Thematic Mapper |
| MDMA | Methylenedioxymethamphetamine |
| MMIC | Medical Marijuana Identification Card |
| Moldavian SSR or MSSR | Moldavian Soviet Socialist Republic |
| MP | Member of the Parliament |
| MUJAO | Movement for the Unity and Jihad in West Africa |
| NAMSA | NATO Maintenance and Supply Agency |
| NASA | National Aeronautics and Space Administration |
| NATO | North Atlantic Treaty Organization |
| NGO | Non-Governmental Organization |
| NKID | Narodnyi Komissariat Inostrannikh Del' = The People's Commissariat for Foreign Affairs |
| NKTiP | Narodnii Komissariat Torgovli i Promishlennosti = The People's Commissariat for Trade and Industry |
| NUTS | Nomenclature of Territorial Units for Statistics |
| PCCDAM | Plano de Ação para Prevenção e Controle do Desmatamento na Amazônia Legal |
| PGP | Pretty Good Privacy |
| PSDN | Parti pour le Socialisme et la Démocratie au Niger |
| SHIK | Shërbimi Informativ Kombëtar, National Intelligence Service of Albania |
| SIGURIMI | Drejtoria e Sigurimit të Shtetit, Albanian Directorate of State Security |
| SRTM | Shuttle Radar Topography Mission |

| | |
|---------------|--|
| THC | Tetrahydrocannabinol |
| TI CPI | Transparency International Corruption Perception Index |
| Tor | The Onion Router |
| Ukrainian SSR | Ukrainian Soviet Socialist Republic |
| UNEP | United Nations Environmental Program |
| UNODC | United Nations Office on Drugs and Crime |
| US | United States of America |
| USGS | United States Geological Survey |
| USSR | Union of Soviet Socialist Republics |
| WHO | World Health Organization |
| WTO | World Trade Organization |

LIST OF FIGURES

| | | |
|-----------|--|-----|
| Fig. 4.1 | Administrative map of Kyrgyzstan | 69 |
| Fig. 4.2 | Cannabis plants and hashish harvesting | 73 |
| Fig. 5.1 | Average support (in 10-point scale) for the legality of therapeutic and recreational use of cannabis | 96 |
| Fig. 7.1 | Six-level system of health care in Ukraine. (From patient's and physician's perspective) | 136 |
| Fig. 8.1 | Transformation pressures | 153 |
| Fig. 10.1 | Availability of statistical data—crime and criminal justice statistics (NUTS 3 level) in 2010 | 187 |
| Fig. 10.2 | Centrality and peripherality in the Balkan area. Managing state confines | 193 |
| Fig. 10.3 | Land fragmentation and local autonomy. Historical boundaries (1800–2017) | 194 |
| Fig. 10.4 | Contested Greek-Albanian confines | 197 |
| Fig. 10.5 | Lazarat: Rural change and cannabis growing (1) | 199 |
| Fig. 10.6 | Lazarat: Rural change and cannabis growing (2) | 201 |
| Fig. 10.7 | Destroying cannabis farms | 203 |
| Fig. 17.1 | The ruin seen from the North. The campus is to the left | 324 |
| Fig. 17.2 | Motorcycle taxi service at the corner of the field. The picture was taken from the main entrance to the mall. The gates of the university campus are to the left | 332 |
| Fig. 17.3 | The mall and high-rise as seen from the restaurant | 336 |

LIST OF TABLES

| | | |
|-----------|--|-----|
| Table 1.1 | The relationship between legality and licitness | 9 |
| Table 1.2 | Direct (affecting fellow citizens), indirect (affecting a society) harmfulness of informality | 11 |
| Table 5.1 | Legal status of cannabis in Latin America before 2014 | 90 |
| Table 7.1 | Perceptions of informal patient payments reported by the respondents | 135 |



CHAPTER 1

Introduction: “The Good, the Bad and the Ugly”: Transnational Perspectives on the Extralegal Field

Abel Polese, Alessandra Russo, and Francesco Strazzari

THE INFORMAL EVERYDAY: FROM MARIJUANA FOR BREAKFAST TO ITINERANT JUDGES

On November 6, 2012, Colorado was the first US state to legalize marijuana for recreational use. In the span of one night,¹ behaviours that were once repressed became permitted, acts that could be considered a legal

¹The legalization was approved in 2012 and not technically implemented until 2014 due to the 18-month delay between electoral consultation and full application. It was not, really,

A. Polese
School of Law & Government, Dublin City University, Dublin, Ireland
Institute of International Studies, Tallinn University, Tallinn, Estonia

A. Russo (✉)
Centre Émile Durkheim, Sciences Po Bordeaux, Pessac, France
e-mail: alessandra.russo@scpobx.fr

F. Strazzari
DIRPOLIS Institute of Law, Politics and Development, Scuola Superiore
Sant’Anna, Pisa, Italy
e-mail: f.strazzari@sssup.it

© The Author(s) 2019
A. Polese et al. (eds.), *Governance Beyond the Law*, International
Political Economy Series,
https://doi.org/10.1007/978-3-030-05039-9_1

offence became as legal and regulated as buying any other stimulant, such as chocolate or coffee, in a store. Queues of marijuana-hungry people of all ages formed outside the few shops that had dared to invest in the recreational side of the business and were equipped to provide people the umpteenth legalized drug on the market. Tellingly enough, in the first 30 months, the legalization of marijuana consumption and regulation of its market brought in state revenues amounting to several hundred million dollars² that would have otherwise been offered to the informal sector.

The example cited above is a clear example of how labile and volatile the boundary between legal and illegal really is. The day before the political decision, marijuana was illegal. The day after, it had become legal and, a few months later, widely available in shops. At different latitudes and in different contexts, we all live in an environment in which rules are pre-defined, almost “parachuted” onto politically organized communities (most often, modern states) through legal and civil codes the design of which is neither consensual nor participatory. We are innately members of social groups with their own social rules, conventions, behaviours, attitudes and perceptions about what is morally acceptable and socially appropriate and what is not. We are educated and indoctrinated with the rules that are necessary to survive in our given society, fed with laws that we need to know in order to avoid bringing the coercive or punitive arm of the state down on ourselves. We learn the “dos” and “don’ts” of the environment(s) in which we are born, raised and eventually decide to live. Sometimes rules are relatively similar across environments, sometimes they differ radically and at other times they change significantly over time, either gradually or all of a sudden.

an overnight change, technically speaking. What we seek to emphasize here is that mere political will made an illegal drug legal, drawing attention to the International Narcotics Control Board—that is, the body that the United States itself wanted to form decades ago, which would receive obligatory estimates and statistical reports concerning narcotics production and distribution from governments.

² Colorado state statistics report about \$67 million from tax revenues (medical and recreational purpose-marijuana) and \$683 million in total sales for 2014. From January 2014 to July 2017, the statistics reported by CNN and Colorado Government media are in excess of \$506 million, whereas other sources (i.e. VS Strategies) mention \$76 million in 2014 and \$200 million in 2016, reflecting rapid and steady growth. We wish to thank Liza Candidi for all this information and data as well as her expertise on the topic.

Whatever environment we choose or end up living in, whatever the rules we need to comply with, there is a common feature that seems to apply to all such contexts: they are constructed. They are based on interpretations and they require interpretation. They are agreed on at a certain point in the history of the country or its society. They may eventually be enshrined as formal laws or be performed as customs and conventions within a given social class, ethnic group or geographical area. When they are written, and thus codified, they are usually considered "formal". When they are not, they are often considered "informal". However, this distinction in itself raises two apparent contradictions. First, formal rules are not fixed, static, reified entities; second, and conversely, informal rules may be relatively steady, stable or resilient to exogenous changes. These rules can go on never being officially acknowledged by formal authorities and still be used to communicate with specific groups.

Formal-informal encounters bring us to a further example attesting to the multilayeredness of the concepts explored in this edition. There is an art-house movie³ narrating the story of a judge whose job is to travel to remote villages that are too distant from a court for their residents to bring an issue before the authorities, and check if there are any unsolved disputes that could escalate into violence or conflict between individuals or groups. He is an itinerant judge who provides his judicial services by horseback, riding around the mountains of Southern China. One day, he finds himself in a Buddhist village where some cattle belonging to a certain family have been killed by members of another family. According to local tradition, financial compensation is not sufficient to settle the case; the offenders must also say prayers to show respect for natural forces. The judge is caught between two realities. As a representative of a secular country where religion has no place, he is supposed to abide by the state-provided guidelines, decide on an amount of financial compensation and leave. However, he knows that such compensation will not be enough and that the conflict will continue to simmer after his departure. Although it is not mentioned in his written account, his final verdict includes a request to pray for the souls of the dead animals, as per local tradition.

Likewise, many decisions have been and are being made by civil servants and officers complying with different forms of rationality, decisions lying in the interstices between what is official and codified, the grey zones of

³ *Courthouse on the horseback* by Jie Liu, see <http://www.imdb.com/title/tt1064775/>

informality. Even in law, usually formalized to the utmost degree, there is a distinction between how the law is conceived and written, on one hand, and how it is actually applied, on the other. That is, there is a gap between how things should be or are supposed to be and how they really turn out to be. Ultimately, this gap between how things should be and how they come to be in reality is at the core of the concept of informality.

The blurred boundaries (Gupta 1995) between formal and informal, public and private, legal and illegal, acceptable and unacceptable have been documented in a wide variety of cases in international scholarship. It remains to be theorized how these shifting mechanisms function, but recent efforts have been directed at classifying a wide range of empirics on informality—a fundamental starting point to support any theory of informality.⁴

INFORMALITY AS A CONCEPT AND SOURCE OF SCHOLARLY INSPIRATION

The “informal sector” has long been defined in terms of either unregulated forms of labour aimed at ensuring subsistence and survival in the “underworld”, or actual illegal business ranging from unofficial earning strategies and unregistered activities to smuggling, bribing and corruption. Whilst originally defined in relation to economic milieu (Boeke 1942; Lewis 1954; Hart 1973), the field of informality has been enriched by multidisciplinary contributions as well as gradually over-extended by the manifold ways practitioners, policy-makers and scholars have deployed this term. On one hand, a sub-current of economic anthropology and qualitative sociology has studied symbolism and the market (Parry and Bloch 1989; Pardo 1996; Gudeman 2001) to understand the rationale behind informal transactions. On the other, a body of literature has also emerged at the crossroads of legal studies and political science.

In spite of ongoing conceptual advancements and the addition of an ever-growing number of case studies and empirical materials, since it first came into focus the definition of the informal sector has been influenced by the prescriptions of neoliberal orthodoxy, which has interpreted informality as a pathology caused by the state’s excessive involvement in

⁴ *The Global Encyclopaedia of Informality*, edited by Alena Ledeneva, is the largest collection of informal practices currently available.

the economy and the subsequent inhibition of entrepreneurial initiatives. Accordingly, informality—or, in De Soto’s phrasing, extralegality (De Soto 1989)—is understood to emerge in situations characterized by high administrative and bureaucratic barriers to formal market entry, and can be curbed through deregulation. Even though these premises have been mitigated and/or challenged, the definition of the informal sector oscillates between its two constitutive dimensions: on one hand, informality as a coping strategy and instrument of survival; on the other hand, informality as an expression of deviance and outlawness, with the latter interpretation also including critical perspectives on the dynamics of criminalization and prohibition. Since its early conceptualization, the boundaries of the field of informality have been redrawn to include any social and political actor and/or process located behind and beyond formal arrangements and institutions, official rules and procedures. In other words, “the informal” seems to be defined as a residual category vis-à-vis “the documented”, “the codified”, and “the certified”. Further, informality has conventionally been seen as something transitional, exceptional or marginal in society (suffice to survey the literature on informality in post-Soviet/post-socialist contexts as well as in developing countries, on one hand, and on urban informality, on the other). This take has come under attack from at least two directions. First, Scott (1977) was one of the major frontrunners in seeing informality as longstanding, enduring and socially embedded: by reflecting on moral economies, he introduced the notion that informal economic practices had a major impact on power relationships (Scott 1985). Second, the opening up of post-socialist spaces after 1989–1991 reignited debates on development, governance and corruption that have continued to this day (Dutt and Kerikmäe 2014; Harboe 2015; Jancsics 2015; Polese and Morris 2015; Polese and Rekhviashvili 2017; Rekhviashvili 2015; Smith and Stenning 2006; Urinboyev and Svensson 2013; Sayfutdinova 2015; Wamsiedel 2016).

Traditionally considered distinct realms, relatively recent scholarship from different backgrounds has come to question the dichotomous and polarized framework that tends to separate the legal and illegal (or “extra-legal”, see De Soto 2000; Varese 2011; Strazzari and Kamphuis 2012). Once more, Scott has pioneered this strand of debate by focusing on the co-constitutive dialectics linking formality and informality (Scott 1998, p. 310) and arguing that formal rules parasitically rely on informal networks and practices. Multiple forms of morality and normativity, plural sources of authority and legitimacy seem to characterize current-day polit-

ical and social orders in international and transnational politics (Hann and Hart 2009; Dreher and Schneider 2010; Bhattacharyya and Hodler 2010; Henig and Makovicky 2016; Morris and Polese 2014; Polese and Rodgers 2011).

A number of more or less contested cognate concepts can be subsumed within this line of reasoning: for instance, hybrid orders, fusion regimes, ungoverned spaces, extralegal governance and grey zones (see e.g. Anten et al. 2012; Meagher 2012; Bagayoko et al. 2016; Harboe Knudsen and Frederiksen 2015, Reno 2009), while having deep roots in the (violent) history of state formation and transformation (Strazzari 2012), all imply the dissolving of territorial and legal boundaries, the social and political relevance of zones of ambiguity that challenge dichotomies and polarities (inside and outside, order and disorder, rule and deviance), and the significance of actors, practices, processes and structures that operate “in the shadow” even while governing “underworlds and borderlands”. This field is, in other words, a story of spaces and contexts that are often not confined to the margins of communities, societies and states. In that respect, while considering informality as part of survival and coping strategies developed by agents and institutions whose status and positioning vis-à-vis “the formal” may vary, this book intends to avoid the common “orientalizing” narration of informal politics and social practices: accordingly, our endeavour is to offer a collection of contributions that exemplify the formal-informal continuum differently manifested in many contexts, not only the so-called Global South (or Global East), that is, an amorphous assortment of developmental and transitioning countries allegedly characterized by pre-modern and backward organization.

Inspired by sociological institutionalism (Hall and Taylor 1996; Hall 2010), a large component of scholarship on informality has tended to consider it a coherent, culturally codified legacy arising from a path-dependent social, economic and political past that countries may take decades to “overcome”. Instead, informality can also be seen as a by-product of more recent social and economic realities, shaped by market-oriented economic and institutional reforms that actors resist and contest precisely by “going informal”. According to this perspective, not only does the informal complement, accommodate and overlap with the formal, the two are actually intimately intertwined along processes of development and modernization (Morris 2011, 2016; Morris and Polese 2014; Polese et al. 2014). The extralegal, in other words, is not simply the underside of the formal; it is intimately connected to and intertwined with

it, and it exhibits varying but significant degrees of resilience and persistence for reasons that can only be illuminated through a political economy perspective, focusing not only on survival economies but also on profit-making, enrichment and success (Strazzari and Kamphuis 2012).

These considerations indicate the extent to which studies on informality have gradually encompassed not only multiple sites and geopolitical expanses where these phenomena may manifest, but also multiple levels of analysis: whereas some seminal works on informality focused on micro-processes and transactions occurring in very localized and circumscribed settings, more recent strands of scholarship have also engaged with the meso- and macro-levels, looking at how the informal unfolds both regionally and internationally. At the theoretical level, this scholarship has been grounded in sociological and anthropological work linking state and society (Migdal 2002) as well as defining the relationship between market and social norms (Gudeman 2001; Hann and Hart 2009). Empirically, this has translated into a growing literature on public and social policy and different approaches to governance more generally (Polese 2012, 2016a, b).

This volume can be regarded as stemming directly from a book in the same series. In 2017, Polese et al. (2017c) focused on informal economic practices, exploring them in multiple senses beyond their exclusively economic significance. Their goal was to show that informal economic practices can feed, inform and in general affect the way we understand governance on a global scale. They built on Scott’s understanding of *infrapolitics* (2012) to suggest that a particular action, performed by a substantial number of people, can simultaneously but uncoordinatedly (i.e. individuals are unaware that other people are acting in the same way) affect state policies. It is the aggregate of informal practices or transactions that feeds the very life of informal or shadow economies. Instead of looking normatively at informal transactions as a way to engage with illegal practices, such practices can be regarded as an act of insubordination, dis-sidence, a rejection of state rule or acceptance that the state should be governing a particular aspect of societal life. Further, the emergence of informal practices may pave the way for different trajectories: either they are particularly visible or perceived as dangerous, or they are neglected by state authorities. The cost of repressing a practice performed by a limited minority is too high and its social and political relevance too limited to invest in tackling it. However, if a growing number of people become accustomed to certain informal practices and such practices begin to be considered socially and/or economically dangerous, state authorities are

likely to intervene by choosing among several options, ranging from institutionalization/formalization to criminalization and law enforcement. Depending on the effectiveness and perceived legitimacy of the positive and negative incentives developed to curb informal practices, societal reactions and responses can be rather diverse; the ongoing decision to go informal may become an intentional instrument of protest.

As a matter of fact, informal practices are to be conceived as acts of *non-compliance*: although we need to make conceptual distinctions in relation to rebel and insurgent governance, the field of informality takes shape through the neglect, denial or challenge of a formal source of authority and rule-making, including the state and its prerogative to regulate a particular aspect of its social or economic life. In that respect, this book also attempts to reflect on the way state-society relations are affected by formal-informal interplays and encounters. This line of inquiry has fuelled an understanding that informal and illegal practices can be produced, reproduced and developed “in spite of” and “beyond” the state (Polese et al. 2017a; Polese and Morris 2015). “In spite of” the state refers to cases in which state institutions already regulate a given situation but citizens decide that state governance is not enough (or not appropriate or effective). “Beyond” the state refers to cases in which state institutions do not regulate a particular exchange and interaction, so citizens mobilize in response to make up for this deficiency.

“IN SPITE OF” AND “BEYOND” THE STATE

Central to our discussion is an understanding of the multilayered nature of morality as revealed by individuals engaging in informal practices and the possible conflict between individual and state morality, documenting and conceptually fine-tuning a vision of the ways they do not necessarily overlap, with informal activities emblematic of how such a mismatch can best be explored.

Recent studies on citizens’ interpretations of their moral behaviour in relation to a state (Horodnic et al. 2017; Ledeneva 2013; Morris 2012; Morris and Polese 2015) distinguish between informal practices and actions which the actors themselves view as “positive”: not merely harmless, but enabling and sometimes empowering; and negative: harmful, ineffective—at least from the state’s point of view. In this moral frame, citizens articulate justifications and social mores about the justified, legitimate and illegitimate character of practices and exchanges described as informal.

A taxonomy of informality based on direct and indirect harm, understood in moral terms, may help in locating informal practices and their function in society. In a large variety of cases, a society’s distinction between what is good and bad depends on the kind of direct harm an action causes to fellow individuals. Killing, torturing or stealing from an individual is punishable in most societies and they become justifiable only in exceptional circumstances (war, conflict between clans or families) or not even in such cases. This is what we see as causing direct harm to fellow citizens. These same actions are, incidentally, also classified as unlawful by civil and penal codes. The further we venture into the impersonal, however, the more certain behaviours may become easier to justify to one’s peers. It is specifically in the interstices where the licit and legal diverge or, as we have suggested, where individual and state morality fail to overlap (Polese and Stepurko 2017) that informal practices emerge and consolidate, possibly contesting the state, its symbolic power or its areas of competence (Polese et al. 2017a, b).

The harmful-harmless spectrum of actions intersects with another set of nested distinctions between what is legal and what is licit, as conceptualized by Van Schendel and Abrahams (2005), outlined in the table below (Table 1.1). There are actions which are illegal according to local criminal codes, but people do not perceive them as “bad” (Fogarty 2005; Rasanayagam 2011). Instead, they are socially acceptable and, thus, licit. There are even actions which are perfectly legal, but a population or part of it does not accept them, at least in the short term, as licit.

The conflict between the legal and the licit can be quite evident when and where perceptions and interpretations of social reality significantly diverge. According to Gill (1998), for example, corruption in India may simply be generated by a different understanding of ethos between locals

Table 1.1 The relationship between legality and licitness

| | <i>Legal</i> | <i>Illegal</i> |
|---------|--|--|
| Licit | State and society norms overlap | Society accepts and regards as legitimate something that is forbidden by state institutions or codes |
| Illicit | The state does not punish actions that are socially stigmatised (by one or more communities) | State and society norms overlap |

Adapted from Van Schendel and Abrahams (2005)

and international organizations. Werner (2002) has suggested that we compare the way corruption is understood by international organizations and locals to grasp the complexity of this issue. Indeed, while international organizations' understanding of corruption may be stretched to the point that it denies the very Maussian concept of gift (Tanzi 1998), the understanding of "normal" and "normality" with regard to interaction between people, institutions and civil servants has sometimes been distorted, reinterpreted and framed in a logic that has even been used to justify practices which clearly damage fellow citizens or ascribe to dangerous and harmful logics.

Similar conflicts may emerge between state rules and society rules: outlawing a given practice does not automatically create a social stigma around an unlawful behaviour; furthermore, illegal practices are sometimes not only socially accepted but even commended and considered a source of pride in having managed to steal from the state. On a more everyday level, some definitions of corruption clash with local habits of taking and giving that are considered perfectly normal, even between a citizen and a state representative (Palmier 1983).

However small the step from the formal to the informal, from the legal to the illegal, from the moral to the immoral might be, and however blurred the boundaries are between these sets of binary concepts, the authorities entitled to draw such boundaries are traceable and identifiable. Usually it is the state through its institutional infrastructures and agents, the same state which is likely to be informed by its different constituencies, sectors of the establishment, interest groups and lobbies, powerful families, and so on. In some cases, the above-mentioned boundaries are drawn by international standards, which are designed to be adapted to a specific context and then transferred to others—a situation which fosters the development of informal practices and habits. Indeed, the latter are often nourished by the fact that some segments of the population are incapable of complying with a given rule or unwilling to do so, a state is unable to drive behavioural change, or there is conflict between what is dictated by international organizations and what people are used to do. Informality lies in the time that it takes for a change in behaviour or attitude to be understood, and adopted, at either the institutional or societal level (or both). This gap is likely to be normatively assessed in negative terms, as a "bad occurrence" that needs to be regulated, enforced through laws or even punished. The perspective adopted in this edition, however, takes a different stance vis-à-vis this matter: rather, we suggest that the *de jure*/

de facto hiatus actually offers interstices for social and political actions, and may contribute to the governance structures of a given territory or community (Table 1.2).

Where the state regulates most relationships with and among its citizens, most exceptions to state rule—“in spite of” the state—are illegal by force of law, that is, from the perspective of the state. There are, of course, several kinds of illegality, as seen in the examples above, and different societal perceptions of what is illegal; the result is that not all situations or practices are equally illegal or illegal in similar ways. The concept of illegality is imbued with social meaning, making it too broad to lend itself to an in-depth understanding and, in turn, help policy-making or inform public debates. That is, actions that may challenge legal codes might be experienced by people as “normal” or at least acceptable. This problem may arise, for instance, when overarching rules have not been developed pragmatically in response to a societal need, having instead been copied from elsewhere and uncritically transplanted into a new context (De Soto 2000); or, for example, when so-called global prohibition regimes are localized, often producing frictions between different scales of norms, standards and values. This is frequently the case with law enforcement models whose other-direct import or transfer come into fundamental conflict with local customs (Scott 1998). Such incongruences are crucial: if the eradication of informality substantially equates to criminalizing, indicting, convicting and punishing, it is by establishing the boundary between the formal and the informal that the state defines its authority, modes of governing and rationales for legitimate action.

Beyond-the-state informality, on the other hand, refers to an economic sector or activity, policy domain or region that the state does not effectively regulate, for whatever reasons. This could be due to the fact that the social problem or social need has not been identified or there is insufficient polit-

Table 1.2 Direct (affecting fellow citizens), indirect (affecting a society) harmfulness of informality

| | <i>Direct harm (mostly illicit)</i> | <i>Indirect harm (might be licit)</i> |
|---------|--|--|
| Illegal | Trafficking, drug dealing (might be seen as licit) | Fiscal fraud, nepotism, discrimination |
| Legal | Use of legal action to extort money or property; ‘small print’ or administrative measures applied disproportionately or in a discriminate manner | Laws that favour one (ethnic, religious) group over others (are licit for the favoured ones) |