Illegal but licit: transnational flows and permissive politics in Asia

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TRANSTATELIAL FLOWs are regularly studied in the social sciences ‘from above’, focusing on the power of states to regulate, facilitate or hinder the movement of people across borders. The research project ‘Illegal but Licit’, while sharing with other studies an emphasis on the changing role of states in shaping transnational flows, ventured into the exploration of flows through the perspective of mobile people. The project aimed to illustrate how mobile people make sense of, and deal with, the multiplicity of border regimes: from the concrete ‘state’ borders, to the more fluid ‘customary’ pathways and historic trade routes which may persist in spite of more recently erected state borders. Our findings show that these states suffer from a persistent ‘implementation deficiency’ – an inability to put their policies into practice. In some cases, this leads them to perceive the crossing of state borders, on a daily basis and without formal permits, as unproblematic. State categories often fail to capture the very phenomena they are meant to describe. In practice, the habitual practices of inhabitants in borderlands and beyond, authority does not radiate outwards from states, but materialises in unexpected places. For example, there is no standardised working and living conditions during an agreed period. There are no necessary ways of doing things can be more powerful in shaping people’s practices than the state itself. First, the project treated the state, however important, as just one source of authority among many, to which mobile subjects potentially belong. Second, the project championed ethnographic methods for getting at a better understanding of the aggregated ‘big picture’ of state authorities and transnational flows.

Thinking mobile, thinking multiple

Political order is commonly associated with the regulatory authority of states. This is not surprising in view of the fact that states do their utmost to project an image of exercising full authority within national territories. According to the formal model, states enjoy a monopoly over the use of violence, the right to tax the population and the power to sanction offenders. Staying close to such a formal understanding, it is easy to conceptualise state authority in a binary fashion: either there is state law and order, or there is a lack of authority and thus anarchy. Our empirical evidence shows that the sway of formal state authority is limited and, crucially, that we should not understand this as a ‘lack’ of authority or as being detrimental to the establishment of order. Our findings point to the mobile authority that complement (or compete with) the regulatory authority of states. For example, time-honoured ways of doing things may persist in spite of more recently erected state borders. The habitual practices of inhabitants in borderlands and beyond, authority does not radiate outwards from states, but materialises in unexpected places. For example, there is no necessary ways of doing things can be more powerful in shaping people’s practices than the state itself.

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