Illegal but licit: transnational flows and permissive politics in Asia

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TRANSNATIONAL 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 the fluidity and unpredictability of points of departure. First, the project treated the state, however important, as just one source of authority among many, to which mobile subjects potentially adhere. Second, the project championed ethnographic methods for getting at a better understanding of the aggregated ‘big picture’ of state authorities and transnational flows.

Conducted over the course of five years, from 2006 to 2011, the project included studies on transnational movement in various societies across the vast continent of Asia. Two of the case studies examined a long distance migration: female domestic workers from Kerala to the Gulf States, and male construction workers from rural China to Israel, while two other case studies focused on movement in borderlands: between Bangladesh and Northeast India, and between Northwest Pakistan and Afghanistan. The insights that ‘Illegal but Licit’ project have generated, in addition, from close collaboration with many other scholars working in Asia on transnational movement.

The project resulted in a number of journal articles, an edited volume and a doctoral dissertation. It also led to a policy dialogue, held in Katmandu, between academics, civil-society activists and policy makers from different countries in Asia. In what follows, I will illustrate and highlight some of the project’s main empirical findings and analytical perceptions.

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 are being portrayed as 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 largely contingent, 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 multiple and shifting authorities that complement (or compete with) the regulatory authority of states. For example, time-honoured ways of doing things can be more powerful in shaping people’s practices than new regulations drafted in a government ministry. Religious, ethnic or commercial elites can exercise as much, or more, regulatory power than state officials. State authority is thus often pitted against a more socially accepted authority among regional or traditional communities.

The real-life states that we have studied bear little resemblance to the ‘model state’ used in much social theory. Looking at states from the perspective of people involved in (illegal) transnational flows, our findings show that mobile people do not experience the state as a stable centre of authority. Authoritarian, controlling states (such as China) are not capable of regulating behaviour and eliminating illegal practices any more than permissible, disorganised ones (such as Bangladesh). Our studies have demonstrated that these states suffer from a persistent ‘implementation deficiency’ — an inability to put their policies into practice. On the one hand, policies are often overambitious and the state lacks the manpower and legitimacy to push them through. On the other hand, officials may actively obstruct policies handed down from higher levels within the state. There are many reasons why they may do so: they may disregard what they see as ‘political will’ within the state, they may feel the policies run counter to their personal interests or career prospects, or they may be out to divert state resources to their own coffers. Our studies show that despite elaborate performances of sovereignty, states are not able to impart a unified normative project onto every subject, including those managing the state itself.