

EDITED BY ITALO PARDO
AND GIULIANA B. PRATO

LEGITIMACY

ETHNOGRAPHIC AND
THEORETICAL INSIGHTS



PALGRAVE STUDIES IN
URBAN ANTHROPOLOGY



Palgrave Studies in Urban Anthropology

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Half of humanity lives in towns and cities and that proportion is expected to increase in the coming decades. Society, both Western and non-Western, is fast becoming urban and mega-urban as existing cities and a growing number of smaller towns are set on a path of demographic and spatial expansion. Given the disciplinary commitment to an empirically-based analysis, anthropology has a unique contribution to make to our understanding of our evolving urban world. It is in such a belief that we have established the Palgrave Studies in Urban Anthropology series. In the awareness of the unique contribution that ethnography offers for a better theoretical and practical grasp of our rapidly changing and increasingly complex cities, the series will seek high-quality contributions from anthropologists and other social scientists, such as geographers, political scientists, sociologists and others, engaged in empirical research in diverse ethnographic settings. Proposed topics should set the agenda concerning new debates and chart new theoretical directions, encouraging reflection on the significance of the anthropological paradigm in urban research and its centrality to mainstream academic debates and to society more broadly. The series aims to promote critical scholarship in international anthropology. Volumes published in the series should address theoretical and methodological issues, showing the relevance of ethnographic research in understanding the socio-cultural, demographic, economic and geo-political changes of contemporary society.

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Palgrave Studies in Urban Anthropology
ISBN 978-3-319-96237-5 ISBN 978-3-319-96238-2 (eBook)
<https://doi.org/10.1007/978-3-319-96238-2>

Library of Congress Control Number: 2018955439

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

ACKNOWLEDGEMENTS

We wish to acknowledge the contribution given to this book by two anonymous reviewers' helpful comments. We are grateful to the editorial staff at Palgrave Macmillan for their assistance and professionalism.

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Ethnographies of Legitimacy: Methodological and Theoretical Insights

Italo Pardo and Giuliana B. Prato

Legitimacy, legitimation and the attendant ramifications are complex and highly problematic issues with which philosophers have been long concerned. In recent times, however, while mainstream reasoning has ossified, the ‘official’ philosophy of science has remained, as Martin Heidegger (1962) would say, as little philosophical as possible. Instead of asking questions of legitimacy, perhaps in order to survive in the age of legitimacy crisis, it tends to content itself with general description, abstract analysis and elucidation. Clearly, a dispassionate analysis of what happens on the ground is badly needed.

The ethnographic study of these issues is a relatively recent but promising development. Pioneered in the mid-1990s by a small group of scholars (Pardo 1995, 1996 and contributors in Pardo ed. 2000), anthropological reflection on the issues raised by the complex dynamics of legitimacy and legitimation—of ordinary people’s morality and actions; of the law, its production and application; of politics and governance—has gradually grown into a sophisticated debate (Pardo ed. 2004; Pardo and Prato eds

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_1

2011 and 2018). Anthropologists, qualitative sociologists, economists and jurists have contributed to the empirically grounded analysis of the ramifications of conflicting moralities, the corresponding ideas of legitimacy and the attendant ambiguities (Pardo 2000a).

In this field, we need to thread carefully. As Prato points out in her chapter, we need to understand Max Weber's theory of legitimacy in its complexity (1978 [1922]). We also need to be mindful of the unsolicited measure of perspectivism in it, probably traceable to the broader problem of a prejudicial view identified by some (Eisen 1978) with the Puritanical schema, and in his definition of morality and rational conduct (Brubaker 1992; Pardo 1996: Chap. 7 and 2000a: 4). We need to acknowledge fully the culturally specific economics of 'strong continuous interaction' between material and non-material aspects of existence in the ways people define their motives, make choices and interact with others (Pardo 1996: 11 ff.). And we need to understand, with Weber, that the authority to rule depends on recognition of rulers' legitimacy *across* society (Pardo 2000b).

As today, the 'fundamental accord' between the ruling élite and the rest of society so accurately theorized by Gaetano Filangieri (1783–1788) appears to be both more needed and more chimerical than ever, the question arises: how much more governance failure before legitimacy is withdrawn and, consequently, democracy is jeopardized? This question needs urgent answers, for worldwide governance and the law are seen to fail—in some cases comprehensively—the democratic contract (Birnbbaum et al. 1978; Stankiewicz 1980), as they fail to meet the challenge posed by the need to establish a working relationship between formal law and people's cultural requirements (Aristotle 1962: 4.5).

In its 2010 Report on 'The State's Legitimacy', the Organisation for Economic Co-operation and Development (OECD) identified four sources of legitimacy. They are '*Input or process* legitimacy, which is tied to agreed rules or procedure; *output or performance* legitimacy, defined in relation to the effectiveness and quality of public goods and services; *shared beliefs*, including a sense of political community and beliefs shaped by religion, traditions and "charismatic" leaders; and *international legitimacy*, i.e. recognitions of the state's external sovereignty and legitimacy' (OECD 2010: 9). This might be a little too wordy, but it does make interesting points. Echoing Weber's analysis, the Report claims that these different sources interact and that no state relies on a single source. At its core, it reminds us directly of Pardo's anthropology of legitimacy (2000a;

see also Pardo and Prato 2011), as it argues that the international community should pay ‘much more attention to aspects of legitimacy that derive from people’s shared beliefs and traditions, and how these play out in a specific political and social context’ (OECD 2010: 10).

This means recognizing not only that legitimacy—its sources and the attendant processes of legitimation—is an extremely complex ‘category’ but also that its contours may change over time alongside changes in people’s values and moral expectations. It has happened, instead, that abetted and aided by national and international pressures that—however unsolicited—threaten to grow, the earlier-mentioned failures have often generated malignant changes in the law that deeply pollute individual and associated life. As Aristotle warned, it might not be wise to pass *lightly* from old laws to new laws. Rightly, he believed that this would be a sure way of weakening the ‘inner essence of Law’ (1962: 5.8), which can have dire, unforeseen consequences. In the present global climate, as poverty increases, multiplies and spreads across the unprivileged social board, ‘natural’ solidarity withers and predatory values spread, as do abuse and corruption. So, day by day, these ‘dire consequences’ appear less unforeseeable. We do not mean to labour the point, but it seems to us as obvious as urgent that they and their causes need to be understood—empirically.

While staying healthily suspicious of abstract thinking, one does not need to obsess about fieldwork to recognize that credible answers can only be inspired by the in-depth knowledge of the reality on the ground (Pardo and Prato 2017). This volume is a modest contribution to a ten-year project that is developing through intensive meetings and publications on the empirical and theoretical complexities of these processes.¹ It should be read as a coherent collective endeavour to demonstrate the epistemological significance of ethnographic knowledge gained, classically, through long-term field research to our understanding of the growing gap between the rulers and the ruled, a gap which in many cases has dangerously grown into a chasm.

Back in 2016, we thought that in the current global situation the application of the ideas articulated in the cited literature might stimulate a robust exchange of ideas, that it might help to develop further an ethnographically based reflection on this thorny topic. So, we worked out

¹This project draws on international multidisciplinary seminars, round tables, conferences and seasonal schools to encourage debate and originate publications in the form of individual articles, edited volumes, journal special issues and comments in the media.

an intellectual programme and applied for funding to organize a full-time six-day workshop on *Erosions of Legitimacy and Urban Futures: Ethnographic Research Matters*, which took place the following September in a secluded Sicilian venue, Italy.²

We invited 12 fellow anthropologists and qualitative sociologists at different stages of their careers from across the world, who specialize in urban research. Mindful of the pitfalls of narrow empiricism and unjustified abstraction (Leach 1977: xvi ff.; Harris 1986: Chap. 1), they share our commitment to an ethnographically based analysis. Empirically cognizant of the difference that often exists between what people say and what they do in their private and public lives, of the apparently contradictory Aristotelian ideal of the law as an impersonal, emotionally neutral and intrinsically wise entity and of the continuing significance of the concept of the superiority of the moral law to the written law (Aristotle 1962: 3.16), we wanted to attract descriptive analyses of actions—legal and not-strictly legal—that at grassroots level may be regarded as legitimate and of policies and rulers’ actions that do not break the law but may be regarded as illegitimate. From fieldwork experience, we knew that much is often worked out at local social and cultural levels, regardless of official views. Would this play out comparatively?

Having pointed out that people do not necessarily regard as legitimate what is convenient or as illegitimate what is not convenient (Pardo 1995, 2000a), we also asked that attention should be paid to the impact—economic, social and political—of these actions, of the criminalization of behaviours that are regarded as legitimate at the grassroots and of the legalization of actions that are regarded as reprehensible and illegitimate in the broader society. Throughout the workshop, engaged debate based on comparative reflection benefited from regionally diversified ethnographic knowledge from East Africa, Canada, Europe, the Far East, India, Latin America, the Middle East and the USA, and helped to chart new theoretical directions on ‘legitimacy and urban governance’ as a locus of ethnographic research that matters to our urban futures (Prato 2009; Prato and Pardo 2013; Hannerz 2015; Pardo et al. eds 2015; Pels 2015; Krase and DeSena 2016).

²A generous grant from the Wenner-Gren Foundation (Gr. CONF-751) and the intellectual and organizational know-how, network and local knowledge of the International Urban Symposium (IUS) significantly contributed to the success of the meeting. We wish to express our gratitude to these bodies and to the local municipal authorities for their gracious welcome.

As the papers were circulated the previous June and read in advance, we all brought to the workshop the major points in our analysis. Benefiting from participants' wide-ranging ethnographic and analytical field and from their different experiences and skill sets, this was an intense intellectual exercise aimed at developing new ideas through intensive discussion and productive mutual criticism. We actively participated in all sessions and socialized as a group. Over the week that we spent together, we became a truly engaged and close-knit group of human beings, which bade well also for the future. In the atmosphere of informality that qualified the organizational set-up, our shared understanding of the importance of this topic and its many ramifications made the meeting successful and highly promising for continuing reflection and debate.

The chapters that we have brought together in this book, to follow this introduction, are substantially revised versions of those papers. They address conflicting moralities across the social, cultural, economic and political spectra and the corresponding progressive erosion of the legitimacy of 'the system'. In a coordinated effort to spurn intellectual conformism, they contribute to an ethnographically based theory of legitimacy and of processes of legitimation and delegitimation. Testifying to our collective engagement with this topic, this volume was preceded in April 2018 by a Special Issue on *Urban Ethnographers Reflect on Legitimacy and Its Theoretical Ramifications*, published as Supplement 1 to Volume 8 of *Urbanities-Journal of Urban Ethnography* (Pardo and Prato eds 2018). It will be followed by equally engaged publications.

Grassroots conceptions of the democratic state and attitudes towards the people who man its institutions are at the core of the acute crisis of rulers' responsibility and accountability that mars many democracies worldwide (Gupta 1995; Morris ed. 2000; Sharma and Gupta eds 2006; Bekkers et al. 2007; Faist 2007; Pardo and Prato eds 2011). This crisis is deepening and expanding in the face of the questionable—and increasingly questioned—legitimacy of said institutions (Abrams 2006). We shall see that political and governmental bodies that fail to respond to the instances of citizenship (Arendt 1972: 140), the distortions of local and supralocal bureaucracy and the arbitrary character of the law (Fuller 1969;

Pardo 2000a) compound this problem, contributing to widening the distance between rulers and the ruled.³

Recognizing the importance of this topic in the development of social science, this book takes stock of the current state of the art in a concerted attempt to chart new theoretical directions on these processes. Its internal economics is determined by a distinct vision of a disenchanted approach that is shaped by the classics of social sciences, anthropology and sociology foremost, draws on cutting-edge philosophical thought (Pardo et al. 2015) and refuses to conform to fashionable trends. Its disquieting allure lies precisely in its nonconformist and deeply sceptical approach through which, by means of discomfiting empirical material and unconventional theoretical reasoning, it challenges theoretical certainties.

RATIONALE AND THEORETICAL GROUNDING

To have authority, power needs legitimacy (Arendt 1972: 151; Weber 1978). Authority, in turn, needs trust (Pardo 2000a, 2004). When rulers lose legitimacy—often because, among other good reasons, they have lost the trust of the people—their power loses authority and turns into authoritarianism, which of course in a democracy is usually more or less cleverly, though not necessarily effectively, disguised. Every day, there are reports from across the world of grassroots grievances that expose power that lacks legitimacy, as they bring to light both the obnoxious ways—obnoxious, that is, to reason and citizenship rights (Marshall 1950; Bulmer and Rees 1996)—in which dominant élite exercise power and the growing opposition in the wider society to their rhetoric and actions.⁴ Particularly in democratic societies, the acute crisis of citizens' trust in their rulers is visibly worsening. One case is given by the Italian rough treatment of the fundamental division of power since the early 1990s, which matches in many ways some powers-that-be's legal but widely questioned manipulation of the democratic process that, since 2010, has allowed a succession of unelected governments to rule the country. Another example lies in the

³See, for instance, Breitmeier (2008), Camargo Sierra and Hurtado-Tarazona (2013), Coicau (2002), Pardo ed. (2000), Pardo (1995, 2000b, 2004), Prato (1993, 2000, 2006, 2011), Peters et al. (2009), Pardo and Prato (2011), Spyridakis (2011), Forster and Koechlin (2011).

⁴See, on this, Bekkers et al. (2007), Gupta (1995), Morris ed. (2000), Pardo and Prato eds (2011), Riberio Hoffman and van der Vleuten eds (2007), Sarduski (2008), Sharma and Gupta eds (2006).

grassroots motivations of the American voter which marked the last US presidential election and which are reflected in those of the Britons to want to leave the European Union (EU) and of large proportions of French, Austrian, German, Dutch, Hungarian, Czech, Polish and Italian electors who amply support ‘anti-establishment’ parties that may be controversial but cannot be simplistically (perhaps conveniently) dismissed as ‘populist’. Largely anticipated in the cited publications, the consequences are important and must be addressed, seriously. While acrimony and its many expressions may satisfy some, it solves nothing and may even end up working as appeasement in disguise.

Mirroring similarly rooted concerns around the world, the question, ‘What will happen to us?’, is cogently asked in our ethnographies. Legalistic and formalist views very much aside, the cross-cultural evidence offered in the chapters that follow brings powerfully to a head the need for a grounded understanding of legitimacy and its ramifications. Their focus ranging from banking to neighbourhoods, from poverty and unemployment to policy and governance, from conflicting identities and interests to political action and grassroots organizing, they contribute to clarifying the theoretical significance of the complex ramifications of legitimacy and the processes of legitimation in the political, economic and moral life of today’s urban world. Powerfully defining the urban field (Pardo and Prato eds 2012; Prato and Pardo 2013; Krase and DeSena 2016), citizens increasingly question the legitimacy of local, national and supranational bureaucracy, administration, decision-making, policy and the law.

As a moral and ethical category, legitimacy is obviously not exclusive to the official world; it is critical but not confined to bureaucracy, government and the law. Pointing to the intrinsically contentious character of lawyers’ law (Weber 1978: 760) and the consequent problem of what moral aspects should be significant to legal theory (Lyons 1993), we reiterate that we need to take into account that across society people do not necessarily equate what is moral to what is legal and that they often clearly separate the legal from the legitimate (Arendt 1972; Pardo 2000a, 2004, 2017b: 44–47).

As testified, for example, by the contributions to the cited edited volumes, anthropologists have convincingly grappled with this complication. They have identified significant differences across the social spectrum in how legitimacy is attached to social, economic and political action. They have developed a sophisticated view of the socio-economic impact of policies that are received in the broader society as unfair, slanted or punitive.

They have often found that ordinary people's view of what is legitimate and what is not legitimate defy—explicitly or implicitly, overtly or covertly—policies and changes in the law that meet the interest of élite groups at the expense of the rest of society; rulers' choices dictated by ideological bias, cronyism, clientelism and various forms of corruption that do not break the law; the criminalization of actions that are seen as moral and legitimate at the grassroots; and legislation that is ambiguous or difficult to implement, is not implemented or is implemented by double standards.

Current debate continues to be inspired by Weber's theory of different forms of authority and their sources of legitimacy (1978), as eminently testified by Beetham's (2013 [1991]) reformulation of the Weberian approach and by his argument that a social-scientific study of legitimacy should recognize the distinction between normative and empirical aspects and provide an account not only of formal rules and laws but, most important, produce an analysis of the social construction of legitimacy; that is why people accept or reject a particular form of government and governance. An important point on which to reflect is that, while continuing to be inspired by Weber's work, most social scientists have engaged with the legal-rational aspects of legitimacy, grossly overlooking that Weber's classification addresses three 'pure' ideal types and that elements of each type may coexist in any given context, often leading to competing claims of legitimate authority. This is a common theme in the ethnographies discussed in this book.

Ethnographers have exposed the poisonous kind of determinism about morality and rational choice, *à la* Putnam (1993), that undergirds dominant definitions of membership of society, non-membership or 'undeserving membership' (Pardo 2017b).⁵ Aware that political institutions depend on the active consent of the people, that, as we have pointed out, power without authority equals authoritarianism, that cultural determinism feeds stereotype and alienates membership of society (Rees 1996), they have argued that the authority to rule depends on recognition of rulers' legitimacy across society. So, they have asked: how much more governance failure before legitimacy is withdrawn? Across the globe, politics

⁵ See contributions in Overing ed. (1985), in Prato ed. (2009) and in Prato and Pardo eds (2011), also Pardo (1996) and Lukes (2008).

and the law (its production, interpretation and imposition)⁶ bring this question to the fore as they are seen to fail to meet the challenge posed by the implications of these combined threats.

At a higher level of complexity, as Pardo has observed (2000a), in order to address legitimacy beyond a strictly legalistic approach, we must first distinguish between the philosophical concept of legitimacy—intended as the basis of authority, founded on ruling by consent rather than by coercive power—and a sociological analysis of its diverse sources, that is, of ideological views and everyday-life apperceptions (in the sense of critical consciousness, and recognition and valuation) of legitimacy. Eschewing confusion between legitimacy and legality, this book as a whole reflects our collective interest in expanding our theoretical and empirical capacity to account for the significance, ramifications and impact on the broader society of the aforementioned determinism about morality and choice. The discussions contribute to a comparative understanding of the complex interplay between personal morality and civic responsibility, stimulating reflection on the relationship between morality and ethics in people's actions.

CENTRAL THEMES

The discussions offered here are organized around five central questions that are cross-cut by a concern with how we should deal with ideas of legitimacy across the social spectrum. First, how should we understand the moral concepts of legitimacy by which rulers motivate their choices and actions? Second, what are the culturally specific practices by which people make the categories of the legitimate and illegitimate shift across the domains of the moral, the economic, the legal and the civic? Third, what legitimacy or illegitimacy is attached to the law and to policy at the grassroots? Fourth, what are the everyday practices in which individual and groups engage and through which they potentially transform the idea of legitimate behaviour, of legitimate law and of legitimate policy? Fifth, through what processes the legal and the illegal are legitimated or delegitimated? In an attempt to provide answers to these questions, the contributors study the complex interac-

⁶We refer, here, to the jurisprudential principle of law as imposed law (Weber 1978: 753–84; Burman and Harrel-Bond 1979: Introduction; Lloyd-Bostock 1979) in the knowledge that law may need distance but, like politics, cannot be superimposed on the social context. (Hamnett 1977: 4; Pitch 1983: 120 ff.; Saltman 1985; Strathern 1985).

tions among morality, ethics and legitimacy that emerge from the empirical study of the relationship among the legal, the not-strictly legal and the illegal. A major objective is to carry forward the work done so far, hopefully to generate new ideas for future research.

To add further complexity to the substantive methodological and theoretical challenges of this endeavour, the legitimacy of the political (and social) order is, as Norbert Elias (1982 [1939]) noted, in constant transformation; most importantly, the conceptions and dynamics of legitimacy are subject to constant change and, we note, they do not have a separate existence isolated from other social processes. They vary, sometimes radically, from social set-up to social set-up—often in the same place (a city, a neighbourhood, etc.)—and, equally radically, diachronically—again, within the same local community, as well as across a nation state and internationally. This volume intends to foster reflection on their empirical complexity and sociopolitical significance, particularly in the urban field.

In her chapter, Giuliana B. Prato addresses key issues of political legitimacy drawing on anthropological field research in the Province of Brindisi (South Italy) since 1986 and in the Durrës-Tirana metropolitan region (Albania) since 1999. In Brindisi, she analyses political action and change with particular reference to the relationship of representation (between rulers and the ruled), the ethics of responsibility of elected politicians and the legitimacy of decision-making. She offers an adult examination of the ways in which a parliamentary democracy degenerates into a system of party rule labelled *partitocrazia* (party-ocracy). Her discussion of this complex, and comparatively central, issue takes stock of various forms of opposition to such degeneration both by protest groups who had initially organized themselves outside the institutional political field and, significantly, by individuals within established parties. Prato's examination of the Albanian ethnography focuses on regime change from a communist dictatorship to a liberal democracy, the attendant legal reforms and their economic and cultural impact on the broader society. She studies the extent to which the introduction of political pluralism has exacerbated the instrumental use of corruption and the moralizing campaigns against it in political competition. Prato seeks to establish to what extent, even in a highly bureaucratized democracy, legitimacy is linked to public accountability and trust beyond the strictly legal dimension. The Italian and Albanian cases suggest that political institutions may be examples of rational-legal legitimation (*à la* Weber) but their legitimacy in society is significantly influenced by the way in which their representatives exercise *personal*

responsibility well beyond institutional power and the attendant social prestige. Both cases suggest that legitimacy builds upon personal credibility, *as well as* public accountability. They suggest that the relationship between government and citizens needs to be conceived—and acted upon—as relationship of reciprocity and that citizens grant—or do not grant—legitimacy by constantly assessing the actions and motivations of their rulers. Ethnographic analysis suggests that, ultimately, the credibility of rulers builds on relations of reciprocal trust.

This last issue in particular links directly to Italo Pardo's work on Naples, the third largest city in Italy. His analysis is based on a combination of documentary research and ethnographic material collected over a long period of time in classic anthropological fashion, through participant observation and the construction of case studies of relevant people, groups and events. It brings out critical ways in which Naples is experiencing the serious consequences of bad governance, a governance by double standards that day in and day out fabricates good reasons for many to feel that they are treated as second-class citizens, while fuelling intolerance of non-citizens among a population traditionally (historically) tolerant and welcoming. Over the last few decades, a succession of local rulers have had the law changed to their advantage, have acted illegally and then have avoided the weight of the law through a clever use of technicalities and have pandered to the interests of select groups at the expense of the rest of society. These actions have affected deeply economic and social life at the grassroots. One consequence, Pardo notes, has been a widespread withdrawal of a large proportion of the local population from the democratic process. In an Italian context marked by a parliament repeatedly complicit in the unelected Prime Ministers' leading unelected cabinets,⁷ an ever-shrinking number of Neapolitans participates in the electoral process. At the last election, a meagre 35% turned out at the polls; a majority of those who voted elected as mayor a self-styled 'orange revolutionary'. Pardo goes on to examine in ethnographic detail the worrying erosion of the legitimacy of governance that underlies this turn of events. He concludes, bleakly, that this situation is highly problematic particularly because it is marred by an exercise of power that fails to meet the necessary requirements of responsibility, a power that distinctly lacks authority because it lacks legitimacy. The attendant conundrum, he fears, promises to get worse—in Naples, as elsewhere in the West.

⁷For many years, Pardo reminds us, a succession of such people have stayed in power with the support of a cross-party slight majority of MPs.

Focusing on the implications of lack of legitimacy in the economic field, Manos Spyridakis stresses how the global financial crisis has increased the number of households at risk of poverty and the severity of its shortcomings. Studies of poverty, he notes, tend to focus on the temporal tendencies and the profiles of the most vulnerable segments, but they typically do not address in detail how people manage to survive situations of poverty, especially in urban settings. Yet, he says, this is essential to designing policies that offer support. It is assumed that households rely on formal and informal systems of support. However, it is important to recognize that in the current socio-economic crisis governments' support programmes have considerably declined, and informal support networks for people at risk of poverty cannot cope. Spyridakis focuses on the EU subsidizing policies, like the Minimum Guaranteed Income (MGI), arguing that these welfare programmes bring out the central issue analysed by Pardo of the exercise of power without trust and responsibility (Pardo 2000a: 7). He adds that, though intended to alleviate both the risk and the pain of the socio-economic crisis, these policies encapsulate a specific morality and ethos justified by an aura of inevitable evil and philanthropic solidarity that imply a desperate bid to restore the eroded legitimacy of the institution that issues them. Drawing on ethnographic material collected in Greater Athens, Spyridakis shows that people do not accept uncritically or unconditionally political decisions, concluding that political and economic decision-making cannot be merely concerned with the legality of their outcomes but should be equally concerned with their legitimacy in society. He shows how these programmes are seriously questioned from below in terms of policy and law and how agents act on the basis of their own understanding of the situation.

Important complexities of questioned legitimacy in the economic field are central in Z. Nurdan Atalay's analysis of financialization in Turkey. She recognizes that, although there are various interpretations of the concept of financialization, there is general agreement on the increasing weight of financial products (like credit cards, debt, etc.) on everyday life and on the role played by financialization in sociocultural, political and economic fields. In spite of the financialization literature focusing mainly on the Global North, it can be observed in other parts of the world, including Turkey. At the end of the 1990s, the credit card market boomed in Turkey and has since grown enormously as credit cards have become one of the main elements in Turks' everyday spending habits. State control of the market remains, however, weak. Through NGOs and customer protection

associations, Atalay observes, citizens are calling for the state to take action against the ‘illegitimate behaviour’ of banks with specific reference to extra costs, including annual credit card membership fees and other payments and fees attached to credit cards. Usually, individuals fight this ‘illegitimacy’ through the judicial system. At the same time, banks use legalistic devices against their customers. Atalay notes how this situation changed in 2014, when new regulation was introduced and the ‘illegitimate behaviour’ of banks was made ‘legal’, making it impossible for associations and individuals to take legal action. Atalay draws on ethnographic evidence from urban Turkey to examine the shifting borders between legality and legitimacy and the relation between law and policy from the perspective of customer protection associations.

As amply demonstrated in the anthropological literature cited earlier, the grassroots dynamics of legitimacy and legitimation of actions and behaviours belong to the fundamentals of a credible theory of this difficult issue, as does the point that our analysis has nothing to gain from reification of either society or the individual or from reductive opposition of formal to substantive rationality. This last point, a common theme throughout this book, is central in Pardo’s study of the fabrication of second-class citizenship, in Prato’s careful analysis of responsibility in politics and Hurtado-Tarazona’s, Kruse and Kruse’s, Sarfati’s and Spyridakis’ analyses of individual and collective action. It is relevant to Janaki Abraham’s ethnography of two Indian neighbourhoods in Thalassery in North Kerala. She explores the ways in which the neighbourhood constitutes a site of legitimacy in everyday life and how this is subjected to change. Linking to Pardo and Hurtado-Tarazona (see later), she asks, what are the ways a neighbourhood influences people’s everyday lives? What are the cross-cutting loyalties in the neighbourhood and how do they influence the quality of the neighbourhood? Abraham then addresses changes in social control and legitimacy in new residential neighbourhoods, particularly in the context of other social, political and economic changes. Her ethnography focuses on competing and conflicting sources of legitimacy at the level of the neighbourhood, including some of the events through which legitimacy may come to be eroded. Her analysis of how political ideology intersects with neighbourhood identities or solidarities points to critical faultlines that mirror intensely those discussed by Pardo, Prato and Spyridakis and detailed by Adriana Hurtado-Tarazona, whose ethnography shows how residents of Colombia’s largest social housing megaproject (Ciudad Verde, 49,500 housing units, in construction since 2010) make sense of their new social world by facing the chal-

lenge of living in a ‘failed municipality’. Soacha, in the southern border of Bogota, is a municipality historically facing a strong crisis of governance and legitimacy, a situation that has worsened since the National Government encouraged the location of large, privately constructed social housing projects on its available peripheral land to address the capital city’s housing deficit. Drawing on her ethnographic fieldwork among residents of Ciudad Verde, Hurtado-Tarazona discusses how ordinary people are opting to take matters into their own hands through actions ranging from the illegal to the hyper-regulated, with varying degrees of legitimacy. Thus, we learn, illegal practices like ‘pirate’ alternatives to insufficient public transport or commercial activities inside the apartments coexist with extremely strict, community-enforced behaviour regulations in private and public spaces (through the legal framework of ‘horizontal property’ implemented by home-owner associations) aimed to assure order, cleanliness and living in harmony with neighbours. She argues that these actions are more than a response to the failure of the municipal administration in meeting the population’s material needs; they are also an attempt by some residents to move away from what it means to live in a ‘poor city’ and join the emerging ‘middle class’ and full citizenship, which is what being a home-owner in a gated housing complex has come to mean in Colombian cities, especially for those ‘growing out of poverty’. In these expanding forms of private residential government—in which ordinary people can be both ruled and rulers—new, ambiguous and conflicting grassroots moralities emerge and challenge current and future forms of local governance.

The complex dynamics of legitimacy at local level and the unstraightforward ramifications and results of the associated grassroots activism emerge well from the chapter of Jerome and Kathryn Krase and that produced by Nathalie Boucher. Over the decades, Jerome and Kathryn Krase have been deeply engaged as volunteers and mid-level operatives in local, regional and national politics in New York City. Their analytic auto-ethnographic chapter offers a descriptive analysis of ‘...the moral dilemmas and ambivalences attending social life’ (Pardo 2000a: 1) and, significantly, individual moralities as they are encapsulated in the ambiguities and distortions that often mark the processes of government, bureaucracy and legislation (Pardo 2000a: 1; Herzfeld 1992; Pardo 1996: Chap. 7). Politics at the ground level, they show, includes activities such as phone bank calling, collecting signatures for candidate petitions, acting as a candidate surrogate, writing and distributing candidate literature, registering voters and poll-

watching. All involve moral compromises between activists and target voters. Understatements, overstatements and misstatements are made to accomplish the objective. The authors argue that it is important to disclose how personality and personal interest influence the actions of both activists and subjects, thereby neutralizing objective political realities, candidate and platform facts and the best interests of the public at large. All this undermines the legitimacy of governance, they say, referring to Pardo and Prato's argument that, 'A key task of governance is to establish and nurture the connection with citizens' values, needs and expectations, the strength of which depends upon the observable quality of the link between political responsibility and trust and authority in the exercise of power' (2011: 1). Nathalie Boucher deals with the establishment and maintenance of conflicting views of legitimacy in a North American context. It links with these complex issues as it engages with the problematic circumstances surrounding the demolition of Viger Square in Montréal, to be followed by its reconstruction and grand reopening scheduled for 2017. The Square's layout and the presence of homeless persons, Boucher tells us, has been passionately debated since its redesign by visual artists in the 1980s, when the abandoned Victorian park was converted into a modern space. Since 2008, she has been involved in initiatives to save the Square, along with other public figures engaged in heritage, public art and urban redevelopment issues. These activists, who are called 'group-with-no-name', participated in meetings, co-signed newspaper editorials, engaged in public speaking and public consultations. Boucher's analysis of detailed case material of meetings involving activists, civil servants and elected politicians, and her participant observation of the layout of individual and collective agendas offers a detailed discussion of a combination of detachment and commitment that contributed to the establishment of everybody's legitimacy. Two key observations emerge from her work on the dynamics of this kind of urban change. First, legitimacy is a dynamic concept that relies on the perception of others and may bring out competing visions. Second, the play of detachment and commitment depicts a common assumption in Quebec that has been rarely studied: the denigration of higher form of success.

So, urban change does often bring issues of legitimacy to the fore, sometimes problematically. This comparatively significant point is highlighted in Lucy Koechlin's ethnography of rapid transformation of East African cities. There, high rates of urbanization are changing urban compositions, as new infrastructures facilitate domestic and regional mobility and global networks open communication and financial flows. This is the

case for Kenya, not only for the capital, Nairobi, but also for midsized cities such as Nakuru, Eldoret or Kisumu. The changes affecting Kenyan cities, Koechlin tells us, are compounded by the constitutional reform of 2010, which introduced far-reaching devolution, granting provinces and municipalities new powers and authority. Up to the new constitution, Kenya was a highly centralized state, with both formal and patrimonial powers concentrated in Nairobi. Many of the constitutional reforms are still being negotiated, with uneven knowledge and consensus on the details of implementation on a provincial and local level. This juddering process, Koechlin argues, is not surprising, given the fundamental shift in political culture that underpins it. In addition, the complexity of translating constitutional provisions into institutional, procedural and legal reality on a provincial and by-law level is daunting. Her analysis suggests that there is not only an institutional disjunction but also a normative and cultural one—a disjunction, however, that simultaneously opens up new spaces of political claim-making and practices of legitimacy. This chapter outlines the different practices and claims that have arisen in Kisumu, Western Kenya, as a result of constitutional change. Koechlin asks, what repertoires and regimes do urban actors draw on seeking to establish normative and moral dominance? Who is included, who is excluded on which grounds? Of particular interest in her discussion are the diverging meanings given to ‘legitimacy’ and the ways in which established claims and practices of legitimacy may be changing.

As shown by the discussions of Prato and Spyridakis, this issue of diachronically changing, and as a consequence, in many cases diverging conceptualization of legitimacy carry significant theoretical weight. Robyn Andrews’ chapter on Anglo-Indians engages with critical, highly comparable ramifications of this issue with specific reference to settled migrant communities. Anglo-Indians are a mixed descent minority community, originating from European colonial powers in India, with Britain being the most influential on the formation and perpetuation of the community. From the earliest days, Anglo-Indians not only aligned themselves but identified with Britain, enacting this identity through practices of language, dress, food and religion and in their worldviews—all of which also differentiated them from other groups in India. Given this background of attachment to Britain, Andrews notes, it is understandable that Indian Independence in 1947 posed a potentially serious threat to Anglo-Indians with fears of reprisals and insecurity leading to waves of emigration. Their fears did not, in fact, eventuate; instead, Anglo-Indians were able to claim

a number of benefits (including political representation, employment 'quotas' and support for their schools) which were written into the Constitution of the newly elected government, although with a formula for their gradual disbandment. By the end of the first decade into the twenty-first century, they have retained political representation, but this too could be withdrawn. Modern India, Andrews reminds us, is a construct founded by numerous invaders who settled there, making a mosaic of near unparalleled diversity. As history has it, Anglo-Indians were accorded safeguards written into the Constitution for those born on Indian soil. However, Anglo-Indians are increasingly concerned about the surge of Hindu Nationalism, especially since the election of the Bharatiya Janata Party (BJP), which in some states backs the beef consumption ban and in others supports 'reconversion' (to Hinduism) of non-Hindus. Andrews asks, what strategies are Anglo-Indians using in the moral, economic, legal and civic spaces that they inhabit to safeguard their position as a Westernized Christian minority? Andrew argues that their strengths lie in their sense of identity, which encompasses cultural capital, in their unique position on the English-medium schooling system, their political acumen and their world view and preparedness for limited acculturation. Drawing on ethnographic research conducted in India for more than a decade, Andrews explores the ways in which over time Anglo-Indians negotiate their legitimate place in the political arena and more generally in the Indian imaginary.

The significance of diachrony in the dynamics of legitimacy and legitimation cut across this book. Marcello Mollica recognizes how the history of modern Lebanon from the 1943 National Pact has been marked by a tension among (and within) the 18 recognized religious sects, to which a share of power must be customarily given, and the supranational state structures. This tension, he reminds us, has been extremely virulent at the election of key political figures, who must be allocated according to their religious affiliations (via a consociation model) and not by normal democratic electoral rules. Sectarian groups' political choices must take into consideration their transnational (religious) loyalties, which are often stronger than their national loyalties; for example, the Sunni economic élite are loyal to Saudi Arabia, while the Shia élite (Hezbollah) are loyal to Iran. Recently, Mollica argues, this tension has increased because of the way in which foreign money has been allocated internally and the way in which such allocation has been legitimized in damaged post-war settings. Based on participant observation carried out since 2005 within Christian

communities in urban South Lebanese settings, his chapter examines the way in which Hezbollah post-conflict strategies of reconstruction have been legitimated. Building upon the Weberian notion of state's sole power, Mollica suggests that these strategies have dramatically eroded both the rule of law and its interpretation. This process, he shows, is particularly evident when communal loyalties overcome individual needs, bypass state legal codes and engage in illegal actions. Here, because of the absence of the state—or its perceived inefficiency—formally illegal customary actions are regarded as legitimate and are believed to carry the same weight as formally legal actions.

Mollica's work brings out the key point that under specific temporal, spatial and cultural determinants, here, as indeed elsewhere (e.g. Pardo in this book), illegal practices are, thus, lent legitimacy. As a counterpoint, Liora Sarfati offers a fine study of what happens when the law is found wanting. She offers a detailed analysis of the events that followed the Sewöl Ferry sinking in 2014, which left 304 dead and 9 missing passengers. South Koreans' shock and mass mourning soon turned into extensive anti-government protests. The activists focused on collecting 10,000,000 signatures on petitions to change the law in order to enable proper investigation, punishment of those found guilty and redrafting of safety and rescue regulations. A total of 250 high-school students on a field trip were among the tragedy's victims. Their empty classrooms have turned into spontaneous community commemoration spaces when acquaintances created small altars for each student's spirit by placing food items, flowers, photographs and personal notes on the deserted desks. In 2016, the local education ministry decided to begin reusing these classrooms. Dismantling the desk-altars, while lawful, was deemed immoral by the bereaved families and their supporters and reignited civil unrest around the Sewöl issue. The current dissent is dominated by the feeling that these tragic deaths would be less painful had significant changes in society occurred as a result. While South Korea has often been categorized a homogeneous nation, this chapter suggests that complex relationships between social classes create urban clashes. In the Sewöl movement, multitudes of individuals joined forces to demand justice over government actions that they deemed illegitimate. The prevailing assumption, that ruling and economic élites cooperated to silence the reasons for the tragic sinking, created multiple conspiracy theories about corruption. These rumours empowered the protesters and resulted in broad social legitimacy and participation in

their struggle. Wary of the legal system's power, the Sewöl protesters limited their dissent to legal actions with hopes of changing some existing laws in order to bring about the desired societal changes. Mourning the death of so many young people has created a momentum of civic action along enduring debates over governance transparency, morality and policy.

Zdeněk Uherek's Czech ethnography complements Abraham's discussion on local dynamics, Andrews' analysis of minority groups' political and social position and Pardo's insights on the authorities' mismanagement (Aronoff and Kubik 2013) of both a large proportion of the autochthonous population and immigrants that, as Prato's articulated critique of political multiculturalism indicates (2009), foster exclusion and turn tolerance into toleration and toleration into intolerance. Uherek's chapter implicitly links to issues of morality and legitimacy among the Roma community as it illustrates the legitimization of political representatives (Pardo and Prato 2011 and Prato in this volume). Although Roma politicians are officially legitimated to work for the communities that they represent, the municipality or the State, their primary source of social control often comes from the family, and their significant social relations are embedded in the family. As we shall see, this tension and its consequences—such as misused subsidies, clientelism and partisanship—can be found in many of our ethnographies. This links to a thread running through the book as it suggests that switching behaviour when operating in different contexts does not always produce good results.

The chapters that follow make a coherent whole that powerfully demonstrate the *sine qua non* role of legitimacy at *all levels* of democratic society. Ernest Gellner (1969: Chap. 2) believed that two key conditions must be satisfied for a government to retain the loyalty of citizens: those in power must ensure a degree of affluence, *and* they must be reasonably 'co-cultural' with the rest of society. Well beyond ethnographic specificities, a collective reading of our analyses proves the point that, in democracy, legitimacy is a keystone that makes structurally sound, and fair, the complex interaction among morality, values, interests and responsibilities that determine our associated life; hence the cover image of this book. In the absence of this keystone, the spectre of authoritarianism arises.

LEGITIMACY: THEORETICAL CHALLENGES OF KEYSTONE PROCESSES

Our studies of different, often conflicting sources and visions of legitimacy at grassroots level and at level of governance and government raise fundamental questions on how citizenship and the management of power are construed, defined and made to operate. An underlying cross-cultural recognition in our analyses is that an ethnographically informed understanding of processes of legitimation, *and* delegitimation, requires us to be wise to the vanity of the monist approach to the complex ways in which people merge social morality and personal choice into practices that observably recognize more than the self and may contradict, *de facto*, the official legitimacy of the law and policy (Pardo 2000a).

If anthropologists and fellow social scientists have a duty to study humankind to improve humankind, then it would be inexcusably reductive to limit our investigation to the difficulties raised by the extension of the field of law into social control, especially considering the apt objection that, as a coercive apparatus, law inevitably regulates the partial control of a partial order and is observably prone to moral arbitrariness (Moore 1978: 2–5; Starr and Collier 1989: 7 ff.; Pardo 2004 and contributions in Pardo ed. 2004). We need to engage fully with the empirical variations of the morality of what is right and of what is fair and can be lived with, as opposed to what is legal, in the face of the realities of management of power as a graded process corresponding to the graded affirmation of the state. In view of power differentials, it is argued that formal law should be addressed as a contested metaphor for social order (Starr and Collier 1989: 3 ff.). That the different ethical systems found across society may not always agree with the definition given by formal law or with the dominant rhetoric of power points directly to the arbitrary character of the production of law and of its interpretation and imposition, an arbitrariness that compounds the imprecision that the ambiguity of law lends to the frontiers of legality—often, to the advantage of well-heeled elite groups and their expensive lawyers. In a democratic system, addressing this arbitrariness and imprecision is crucial to the authority of power.

It almost goes without saying that it would be intellectually dishonest to equate Weber's sociology of law, and his political sociology, to a sociology of domination (Prato in this volume); on the contrary, nowhere in his work he accepts domination—through different forms of legitimation—and permanent substantive injustice as the bases for legal order. In this

volume, we grapple with the sociological impact of actions and moral frameworks which may not agree with dominant principles but badly need to be taken into account by policy and legislation, for it should by now be clear to all that when this imperative is disregarded the consequences inevitably undermine the legitimacy of the power to make decisions that affect significantly people's lives. On an intellectually challenging level, we find that there is a hefty price to pay when the dominant élite fail to address constructively unaligned moralities, while more or less explicitly distrusting and mistreating the bearers of such moralities, who happen to be the rest of society. This fundamental omission may not harm power, but it definitely jeopardizes authority. Rulers and their cohorts may appease those who do not conform to their dominant morality while trying to contain them. As Pardo intimated, 'They may try to educate people to their values and vision. They may choose to be coercive or persuasive; or they may opt for one of the many possible mid-way positions between these two extremes—in any case identifying superimposition of order in various degrees and forms as the qualifying condition of their relationships with society; in any case effectively alienating the aims of responsibility, moral legitimacy and trust' (2000a: 22–23). Today, perhaps more than ever, it is undeniably evident *where* this leads.

Hopefully, this volume helps to prove that an honest, unbiased understanding of different morals of legitimacy on the ground needs to undergird the definition of the criteria that determine the production of law; that this is as an essential step in the process of bridging the distance between citizenship and the system. In doing so, it may encourage further research. Again with Pardo, 'Because this level of understanding offers a critique of the ideal of the objectivity of law, it does much more than produce suggestions to be translated into legal and administrative policies. It contributes to a theory of the state that, based on a reformulation of the principles of the individual's participation in the system, places what happens outside formal rules at the core of a broader project of rethinking the ethical relationship between the citizen and the concept of social order embodied by the political and legal establishment. The credibility, in fact the authority, of the legal, political and institutional changes that may be thus encouraged is proportional to the recognition, beyond mere tolerance, of the centrality of citizenship in the relationships between the components (individual and collective) of society and the state. Such a centrality has a role to play in the contingencies of government and is important to the demands of justice. Above all, it remains unmistakably a fundamental

condition of democracy' (2000a: 23). Specifically, as Prato would say, it is so because it recognizes the absolute value of participatory citizenship, that is, the importance of *factual* membership of society, of the essential role of citizens as fundamental stakeholders in the social set-up of the democratic system and in their recognition of the legitimacy of such system. Take away or fail to place this keystone of democratic society and you have a serious problem.

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On the Legitimacy of Democratic Representation: Two Case Studies from Europe

Giuliana B. Prato

In the late 1980s, Europe had become a field of political turmoil that affected both sides of the so-called *iron curtain*. While in many Western democracies different actors from across society were increasingly voicing dissatisfaction with what they regarded as ‘corrupt’ (in the sense of distorted or degenerated) systems of governance, most Communist countries were experiencing more or less vociferous movements that demanded democratization. In both cases, popular protest, though taking different forms in the two ‘blocks’, seriously questioned the legitimacy of the established political system, eventually leading to changes in several institutional areas. These changes, however, failed to quench popular discontent. Italy, a Western democracy, and Albania, a Communist country, provided representative ethnographic cases of these processes. There, as in most part of Europe, 1989 represented a historical turning point. Today, after

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© The Author(s) 2019
I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_2

almost 30 years, the echoes of those challenges still reverberate in both countries. In fact, in the past decade they have amplified, as people have realized that most changes have concretized in institutional ‘adaptations’ that were supposed to appease disaffected citizens while allowing the élite in power to gain credibility among their relevant international referents.

This chapter probes the significance of the complex dynamics undergirding these processes to the debate on legitimacy. In complementary ways, the Italian and Albanian cases point directly and problematically to the legitimacy of the political order and of representation in contemporary democracies. Recent events in Italy show how today’s power holders (many of whom belong to the ‘old guard’) have made a mockery of the democratic electoral mandate. In Albania, the post-Communist attempts to implement a Western-style democracy have brought out a conflict between foreign legitimating processes and citizens’ sceptical assessment of the new ‘democratically elected’ rulers.

The Italian ethnography has been collected in the Province of Brindisi since 1986. Fieldwork in Albania has been carried out in the Durrës-Tirana metropolitan region since 1999. My research in Italy initially addressed the degeneration of a parliamentary democracy into a system of party rule labelled *partitocrazia* (party-ocracy) and examined various forms of opposition to it. The evolving Italian political situation in the late 1990s and in the first decade of the twenty-first century stimulated new research on the role of Ombudsman in local administration. Field research in Albania focused on regime change from a Communist dictatorship to a liberal democracy, the subsequent legal reforms and their economic and cultural impact on the broader society. In both cases, I collected the ethnographic material primarily through participant observation and relevant case studies of individuals and situations, including behind-the-scenes events.¹ In both cases, the nature of the research required the use of secondary sources, an adaptation of methods that are not regarded as traditionally anthropological and the historical and macro-level contextualization of the processes under study.

First, I look at key theoretical aspects of legitimacy and political representation, and then I develop a descriptive analysis of the specific ethnographies.

¹ I have discussed at length my ethnographic material in previous works. On the Italian case, see, for example, Prato (1993, 1995, 2000, 2017a). On Albania, see Prato (2004, 2011, 2017b).

LEGITIMACY OF POLITICAL REPRESENTATION AND CONFLICT OF TRUTHS

The complexity of political representation makes it almost impossible to achieve a comprehensive definition. This is particularly obvious in contemporary democracy, where representation is a multifaceted phenomenon involving the selection and legitimation of leadership, the management of political control and the conveyance of political demands. All these aspects are ultimately relevant to the accomplishment of what has indisputably become a major end of representation, that is, citizens' indirect participation in the government of the *res publica*. Representation has thus ceased to be the exercise of authority 'over the people', which was described by Weber (1978) as a free representation whereby 'representatives' are 'masters' of the electors. In most West European states political representatives have become, instead, the electors' agents who ought to act in accordance with the people's will, thus giving strength to mass democracy. In a democratic system, I note, the legitimacy of the political order should be a given, for the authority of the elected representatives is supposed to stem 'from the people'; it should take the form of 'centripetal' power (Weber 1947), radiating from the periphery (the constituency of electors) to the centre (the elected leaders). That all too often this is not so requires reflection.

However critically one wishes to engage with the work of Max Weber, it is indisputable that in their analysis of the legitimacy of political representation most social scientists have taken as a starting point of reference his tripartite classification of authority. In all three cases, legitimacy comes across as the 'recognized right' to rule and to exercise power, a power that ought to enjoy authority (Weber 1947). Much confusion has been generated in the literature due to the difficulty in providing a precise translation of the German word *herrschaft*, which in English has been variably rendered as 'power', 'rule' and 'domination'. Yet it is noteworthy that Weber describes *herrschaft* as 'the chance of a specific (or, of all) command(s) being obeyed by a specified group of people' (1978: 122). Obedience can be voluntary or imposed, including by force. In both instances, the power to command is linked to the exercise of social control. However, the power 'to exercise' does not automatically 'enjoy legitimacy', for a power that relies on coercion (whether by brute force or by ideological imposition) is, as Pardo notes (2000a: 7), a power without authority.

When analysing contemporary liberal democracies, most scholars have focused on the legal-rational aspects of legitimacy; specifically, as Weber's

argument that under bureaucratic principles ‘formal’ rationality supersedes ‘substantive’ rationality has been rigidly embraced, legitimacy has been reduced to a set of technical rules—to be applied according to impersonal principles—while the values and ethical norms that might influence both rulers’ decision-making and people’s acceptance of such decisions have been ignored.²

Moving beyond the purely legalistic approach, Pardo has pointed to aspects of perspectivism in Weber’s theory of legitimacy which, he says, are probably traceable to a broader tension in the Weberian definitions of morality and rational conduct (Pardo 1996: Chap. 7, 2000a: 4). Pardo, in the seminal work on ‘morals of legitimacy’ (1995, 1996, 2000a), argues that people do not automatically accept as legitimate what is officially legal, nor do they necessarily regard as morally illegitimate actions that, by definition, fall outside the strictly defined boundaries of the law. Interestingly, in the early twentieth century, Mosca (1923) challenged the legal positivistic approach to legitimacy suggesting that in a modern liberal democracy, rulers cannot justify their power merely through domination; of course, it follows, power must have a legal basis but in order to be accepted as legitimate it must also have moral consent. In brief, the social construction, and deconstruction, of legitimacy has to do more with shared values than with a technical application of specific bounding procedures, such as, among others, political elections and the formal ways in which the legislative, executive and juridical powers are exercised.

This argument is also implicit in Weber’s discussion of rational bureaucratic authority, when he says that in a democratic government a person elected to office becomes the ‘servant of those under his authority’ (1947: 389). Specifically, his analysis of representation and legitimate authority brings out the ambiguity of the fundamental principle, in contemporary mass democracy, of citizens’ control on political power. Mass democracy, Weber notes (1978), is contrary to the democratic principle of self-government. While self-government is possible in small homogeneous units, he says, people (the *demos*) themselves cannot ‘govern’ large associations. They, however, can change ‘the way in which the executive leaders are selected and the measure of influence which the demos, or better, which social circles from its midst are able to exert upon the content

²The application of technical ‘objectivity’ as opposed to the ‘wisdom of the ruler’ is an old dilemma tackled by ancient philosophers, such as Aristotle (1996: V and X), according to whom in the exercise of democratic government, the most ‘excellent’ man should rule.

and the direction of administrative activities by supplementing what is called “public opinion” (1978: 985). This quotation from Weber renders well the important principle that representation should guarantee—within limits—citizens’ control over political power but also that this control is necessarily mediated. Formally, in a parliamentary democracy, citizens’ control, which ultimately entails the legitimation of their representatives, is legally regulated through ‘free’ and ‘competitive’ elections. Political representation is therefore defined as an ‘elective’ representation wherein party organizations mobilize consensus by acting as mediatory institutions between the electors and the prospective representatives. Most significant, Weber describes how with the historical transformation of the Liberal State power has increasingly shifted from the representative body (parliament) to the party bureaucratic machine. Members of Parliament (MPs) have de facto ceased to be the representatives of the citizens who elected them, becoming instead the delegates of specific party factions (see, for instance, Pardo 2018b, this volume) or of interests that are not always strictly political. Systems of proportional representation appear to complicate this process further insofar as they allow minor parties to participate in governing coalitions who often hold the balance of the power to rule. This brings about a complicated web of negotiated mutual agreements, whereby compromise among different interest groups becomes the rule, potentially leading to the corruption of the parliamentary system into a system of party rule. This scenario raises issues of accountability and trust between citizens and their elected representatives.

Expectations of political accountability vary significantly in different political systems. Equally varied are the sanctions for misconduct in public office. What, however, is common to different democratic systems is that, as I have noted, voters do not generally have the ‘direct’ power to hold elected representatives accountable for their actions. Weak, or absent, accountability (which may or may not be constitutionally inscribed) erodes people’s trust in their representatives and may ultimately open to question the legitimacy of their actions. Furthermore, as Pardo points out, ‘between two parties, [trust] must work both ways in order to work at all...it is credibility that inevitably breeds trust’ (2000a: 7). Breaches of trust weaken the legitimacy of the rulers, posing serious challenges to the social and political order (Pardo 2011: 27) as they run counter to a key task of governance, that is, to nurture the connection with citizens’ values, needs and expectations (Pardo and Prato 2011).

In his critical reflection on Weber's work, Eric Voegelin (1952) observed that some mediatory institutions such as the political parties contribute either to strengthen or to corrupt the covenant of representation. His theory focuses on the relationship of obligation between the elected and the electors and distinguishes between different aspects of representation (Voegelin 1952: Chaps. 1 and 2). Voegelin describes as 'elemental' representation the management of government, including the different administrative institutions in a given territory. Instead, what he calls 'existential' representation is fulfilled by the relationship of obligation between the rulers and the ruled and is based on shared values and symbols that are culturally and historically rooted. Voegelin is particularly concerned with rulers' obligation to act in accordance with—not only on behalf of—the *intencio populi* because, he says, people's will constitutes the 'substance' of contemporary democracy.

In my original study of political representation and the emergence of new forms of political action in Italy (Prato 1995), I sought to provide answers to the long-debated difficult relation of theory to practice, addressing the relationship between political philosophy and actual (and effective) policy. I have contended that an informed study of contemporary politics must go beyond the dichotomy between a political philosophical study of the situation as 'it ought to be' and an anthropological study of the situation 'as it is'. I was stimulated in this task by the methodological approach of anthropologists of different generations such as Leach (1977) and Pardo (1992, 1996), in particular, by their attention to the 'subjective motivations' of social action. It is from this perspective that I have investigated 'intersubjective' meanings alongside the meanings that individuals give to the social and political contexts in which they operate and have sought to understand the 'ethics of responsibility' (*à la* Weber 1974) that informs people's actions. My contention is that in order to grasp how a system actually works it is not enough to investigate the functional, or utilitarian, aspects of action; we need to understand what ideal of society and political system individuals aim to accomplish when they, for instance, bring to life a new political organization or advocate new forms of political action. Inspired by Voegelin's analysis of the tension between conflicting ontological and social 'truths'—that is, between the truth symbolized by the established order and the challenges posed by those who advocate a 'new (alternative) truth'—I have engaged with the ways in which competing truths may coexist and with the symbolism that accompanies more or less institutional attempts to educate the people about 'the truth'.

CHALLENGES TO *PARTITOCRAZIA*: BRINDISI

As I have indicated, my interest in processes of political change was initially raised by the increasing opposition to the corruption of the Italian political system that became widely known as *partitocrazia*. In some cases, challenges to *partitocrazia* took the form of individual resistance from within. Above all, this system of party rule was opposed by protest groups that had initially organized outside the institutional political arena.

In the early 1980s, in Brindisi actors from different social and political backgrounds had joined in a protest against the economic policies imposed by national governments on the territory without consulting the local administrations. They succeeded in promoting a referendum against the construction a new coal-fired power station, which in their view would magnify the environmental problems produced by the existing industries (Prato 1993). The protesters' main aim was to question the legitimacy of the politicians involved in the decision-making process at various institutional levels. The events around the construction of the plant provided more than an ethnography of local political processes; they brought out key aspects of the relationship between local politics and central government, and the effects of political ideology on economic policy (Prato 2018).

These protests became institutionalized when an electoral list named Catholic and Lay People for Change (CLC) won 2 of the 40 seats in the City Council. The list brought together people whose political creeds would have been incompatible in the traditional political set-up. They were a Catholic group named Democratic Presence, the Marxist-Leninist party Proletarian Democracy (the most extreme Leftist party in Italy) and splinter Green politicians who had been militant in the Socialist Party (PSI) and had joined the nation-wide movement *Lega Ambiente* (League for the Environment).³ I have examined in detail the formation, ideologies and political philosophies of these CLC components and their relevance in local politics (Prato 1995, 2000). Here, it is important to mention that CLC's major aims were to bring forth a 'pluralist' representation based on economic democracy and promote the sustainable development of local resources and 'the welfare of all Brindisi citizens'.

³ Most Italian traditional parties were dissolved during the *tangentopoli* (bribesville) scandals. Some changed their names. Throughout the years, new parties, or political coalitions, have been formed and dissolved, changing names at each passage. I indicate the new names and the composition of the various coalitions at the appropriate place in the chapter.

CLC's electoral success was in part due to their advocacy of Brindisi's cultural and economic traditions. However, it must also be read in relation to the lack of administrative responsibility and the moral decline of the political life, which in Brindisi was graphically illustrated by the judicial prosecution of members of the City Council's executive and the subsequent appointment of an external State Commissioner to lead the city administration.⁴

By the time I began an extended 15-month fieldwork in 1989, three major events were gearing up to play a central role in the local political life. First, the protest groups had played a major role in bringing about the aforementioned judicial enquiries and the subsequent intervention of the Administrative Regional Tribunal (TAR) and the Supreme Court. Second, important changes were occurring in the Communist Party (PCI), at the time the second largest party in Italy and the largest Communist party in the West. Third, a new Bill on Local Autonomies had stirred up a heated debate on administrative decentralization and subsidiarity; this Bill became Law in June 1990 (Law 14-6-1990 No. 142; henceforth, Law 142/90).

As fieldwork progressed, I realized that what I was observing in Brindisi was much more than an expression of discontent of local significance. Political organizations similar to CLC were also forming in other cities throughout Italy; most significantly, they represented a new approach to politics and were harbingers of revolutionary changes to come at local and national levels (Prato 1995, 2017a). It must be pointed out that these local events were taking place long before the *tangentopoli* scandals of the 1990s that brought down the old party system.⁵ It was indeed this kind of opposition to *partitocrazia* that initially stimulated legislative changes on administrative decentralization, which in turn had significant repercussions on national politics (Prato 2000).

A major aspect of my fieldwork was to investigate how the moralities and attitudes to politics of people in public office had been affected by the role played by political parties in the system. Ethnographic analysis brought out a conflict between an 'impartial', bureaucratic ethics of responsibility

⁴The judicial enquires involved the mayor (a Christian Democrat) and several *assessori* (including a Republican and a Communist), who were accused of abuse of office. At the time, *assessori* were chosen among the elected councillors to be appointed to lead specific departments in the City Council executive.

⁵Pardo (2000b) describes in detail the different outcomes of the *tangentopoli* judicial enquiries, in particular how in some cases they have failed to deliver the prosecution of corrupt practices, through ad hoc changes in the law; see also Pardo (2018a) and Sarfati (2018, this volume).

and a ‘committed’, political one. As Weber noted (1974), the ethics of responsibility of a public office can either serve a partisan cause or be directed towards the common good. Italian *partitocrazia* has highlighted how in a contemporary democracy the power of political parties may extend well beyond formal, legally recognized boundaries. In Italy, traditional parties have (ab)used this power through hidden practices of government—known as *sottogoverno* (sub-government). This political system, the legitimacy and stability of which should have been safeguarded by law, was in fact self-legitimizing, and then reproducing, itself on the basis of actions, choices and moralities that may have been licit to the actors involved but were not regarded as legitimate by ‘ordinary’ citizens, nor were they always legal. People’s distrust of the traditional parties and their values was being increasingly expressed in a search for alternative forms of representation. The question remained to see to what extent the emerging ‘new forms’ of political action would influence the changes in the system.

In spite of the moralizing climate created by the rise of CLC, the local political life did not change substantially. Brindisi City Council continued to be affected by administrative crises, leading to the resignation of various executives and the formation of new ruling coalitions. One such coalition included the Republicans (PRI), the Christian Democrats (DCs) and the Communists and was supported by CLC. On the occasion of the 1990 local election, the local PCI proposed the formation of an ‘open’ electoral list that included the Catholic faction from CLC; the aim was to capitalize on the relationship established with some CLC members and to test the PCI’s ongoing self-restructuring. This new list was called *Insieme per la Città* (Together for the City, IpC). Significantly, the Communists failed to involve the environmentalist faction, who were not convinced that the PCI had truly changed its position on the power station affair. In the past, the local PCI had supported this project and had repeatedly opposed the environmental protest. Now, the Communist leadership said that environmental issues were among the priorities of their economic policy.

Borrowing from CLC’s approach, the IpC list was advertised as a new way of doing politics. Its electoral programme focused on local identity, including historical, cultural and economic heritage. At the same time, IpC was presented as the ‘new PCI’ and, in order to stress continuity with the party, at public events the Communist logo accompanied the IpC logo (Prato 2017a). As I observed during the PCI internal debates, the

Communists regarded the formation of this local list as a trial run for the changes that were occurring in their party at national level.

Interestingly, despite having ideologized the role of the party, Brindisi Communists claimed that they strongly opposed *partitocrazia*. What they meant was that they opposed the DC power, although they had not disdained from participating in the distribution of spoils at *sottogoverno* level or from joining the DC-led ruling coalitions.

In Brindisi, the process of ‘transformation’ of the PCI was received in a variety of ways. Several members of the Catholic group Democratic Presence joined the *Partito Democratico della Sinistra* (PDS—Democratic Party of the Left), which was how the PCI renamed itself in 1991. During this process, hard-line PCI members founded the splinter party *Rifondazione Comunista* (Communist Refoundation). The PCI’s rhetoric of transformation into a new kind of party organization and the interest shown by Catholic groups like Democratic Presence in such a rhetoric significantly exemplify the changes that have occurred in Italian politics, whereby established parties regularly engage in some formal ‘self-criticism’, which generally concretizes in more or less successful attempts to change their image, electoral appeal and ‘style of government’ at the local level.

THE LAW 142/90 AND ELECTORAL REFORMS: THE HIJACKING OF A NEW POLITICAL APPROACH

A major aim of the new political formations that I observed in Brindisi was to bring ‘integrity’ back into local administration. This became a fundamental aspect of the aforementioned Law 142/90, which rules that people found guilty of crimes of corruption and of actions against the interests of the state and its citizens cannot be elected to public office and that elected politicians who commit such crimes while in office must be immediately suspended. Alas, this Law has been repeatedly modified and selectively applied. It was presented as central in a broader strategy to defeat *partitocrazia* and weaken the widespread practice of *sottogoverno*. In the initial stages of this strategy, other relevant changes included electoral reforms, amendments to Law 142/90 and the 1993 legislation on the direct election of the mayor.⁶ These changes appeared to meet people’s expectations, as they were supposed to make it possible to punish

⁶ Before the 1993 electoral reform, the mayor was appointed by the elected councillors and was usually an elected member of the City Council.

corruption legally and to guarantee the stability of the municipal administration. In reality, they granted almost absolute power to the mayor and, indirectly, to the City Council executive.

Before discussing the impact of these institutional reforms, let us consider the conceptual definition of ‘integrity’, beyond political rhetoric. Integrity implies adherence to the moral and ethical principles on the basis of which people evaluate the ‘soundness’ of a person’s moral character and, ultimately, their honesty, accountability and responsibility. As such, integrity carries expectations of other people’s actions. While how a person’s integrity is viewed is a significant element in all social relations, it becomes critical when it comes to people who have decision-making power. As we have seen, the challenges raised by grassroots opposition to *partitocrazia* did contribute to encouraging changes in the system. Paradoxically, however, over time these changes brought about the ‘institutionalization’ of *sottogoverno* (Prato 2000). As new lines of conduct threatened the survival of *sottogoverno*, some established parties preached ‘revolutionary changes’ that, when acted upon, de facto enforced its rules by law. As Pardo has pointed out (2000b, 2018a), in the post-*tangentopoli* scenario, legislative changes have decriminalized actions that had been previously instrumental in bringing down most political parties⁷ but not, I must stress, the old party system.⁸

In Brindisi, the new laws produced several administrative crises, leading to early elections for the City Council in 1994, 1996 and 1997. In 1994, the new electoral rules prompted fragmentation in many traditional parties and the formation of 19 electoral lists. On that occasion, the PDS—by now renamed, again, ‘Democratici di Sinistra’ (DS—Democrats of the Left)—formed a coalition with a conservative section of the Catholic electorate, thus alienating Democratic Presence, their old Catholic allies. After the election, dissatisfied with the way in which the pre-electoral agreements were implemented, the DS councillors joined the opposition and demanded the resignation of the mayor whom they had substantially contributed to elect. In the 1996 and 1997 elections, the DS reverted to coalitions with Leftist groupings. However, in 1999 they promoted a so-called *ribaltone* (literally, ‘turnaround’ or ‘overturning’), whereby they gave their support to the new mayor—who had been elected by a Centre-Right coalition—in exchange for sitting in the City Council executive;

⁷The *Partito Democratico della Sinistra*/Democratic Party of the Left (PDS) and the tiny Right-wing *Movimento Sociale Italiano*/Italian Social Movement (MSI) were left standing.

⁸On the impact of legislative changes, see also n. 5.

they explained this behaviour saying that they wanted to avoid another early election. The new mayor opted for an authoritarian interpretation of the electoral reform and acted without consulting his allies in the coalition that had elected him. However, in a vicious circularity, thanks to the DS' 'turnaround' he dodged the calls for resignation and stayed in power. So, the Brindisi DS returned to power in the city administration, despite not having been elected to such a role. These local events mirrored a similar *ribaltone* that had occurred at national level, involving the DS and the *Northern League* who had fought the election in a coalition led by Berlusconi's *Forza Italia* (*Go Italy!*). Having won the election, Berlusconi became prime minister, but his government fell when the Northern League withdrew their support. This led to the formation of DS-led governments (Prodi, first, and then D'Alema were Prime Ministers). This kind of politicking has now infamously become widespread in Italy.

Back to the 1990s, the fragmentation of the old parties was taking place throughout Italy at local and national levels. In 1994, the PDS joined a coalition called *Progressive Alliance* to fight the first parliamentary election after the electoral reform. This coalition reproduced the composition of CLC-like groups; it was made up by some Catholic politicians (specifically, Leoluca Orlando's party 'The Network' and the 'Democratic Alliance'),⁹ post-Marxists (the PDS), hard-line Marxists (Communist Refoundation), a Green Party and a group of self-proclaimed heirs of the disbanded Socialist Party.¹⁰ The *Progressive Alliance* campaigned in opposition to a *Centrist Alliance* and a Centre-Right coalition called *Pact for Freedom*. The *Centrist Alliance* included a group of ex-DCs (the new 'Italian Popular Party'—PPI, which the PDS has later wooed into a successful electoral alliance—and a group called 'Pact for Italy' led by the ex-DC Segni, who had been the original parliamentary advocate for reforms against *partitocrazia*). Above all, the *Progressive Alliance* saw the *Pact for Freedom* as their main opponent. The latter included the new party 'Forza Italia' led by Berlusconi,¹¹ various 'Northern Leagues' (dominated by the Lombard League), yet another group of former DCs who named

⁹ Orlando, a former Christian Democrat, had been a popular mayor of Palermo. The Democratic Alliance mostly included former Christian Democrats.

¹⁰ PSI was one of the casualties of *tangentopoli*.

¹¹ Several ex-Christian Democrats and Socialists who belonged to the faction of the former Socialist Prime Minister Craxi had joined *Forza Italia*.

themselves ‘Centrist Democratic Catholics’ (CCD) and ‘National Alliance’ (the former Right-wing MSI—see n. 7—which, like the PCI, had recently renamed themselves).

In this scenario, conflicting truths were broadcast. The *Progressive Alliance* claimed to be the only truly new political formation with a strong sense of tradition and continuity which, at that historical moment, were needed to make possible institutional reforms and avert instability. Similar tall claims were made by the *Centrist Alliance*. The *Pact for Freedom* ran a successful campaign (they won the election) purporting to be the only guarantor of liberalism *and* broadcasting the simple message that appealed to the heart of Italians, whose sense of duty was called upon to help accomplish the changes that the *tangentopoli* enquires had promised to bring.

INTEGRITY AND ACCOUNTABILITY IN LOCAL ADMINISTRATION

Earlier we saw that a major common aim of the fight against *partitocrazia* was to bring ‘integrity’ back into politics. We now know that both the post-*tangentopoli* institutional reforms and the new legislation have ostensibly failed to foster integrity. They have also failed to regulate politicians’ misdemeanours. The continuing cases of malpractice and the instability of the executives at local and national government levels that mar today’s Italy graphically exemplify these failures. In Brindisi, four mayors were arrested between 1984 and 2016. Members of the City Council executives were prosecuted, too. The charges included abuse of office, illicit pursuit of private interest in public office, corruption and bribery. These four mayors belonged to parties across the political spectrum. One was an ex-DC (appointed by a Centre-Left coalition); one was an ex-Socialist, who was later compensated for wrongful detention; the third was elected with the post-*tangentopoli* Forza Italia (he formerly belonged to the Centre-Left Republican Party) and, as we have seen, benefited from the local *ribaltone*; and the fourth was elected in the PD (the former PDS/DS) list in 2012, was investigated for bribery in 2013 and was arrested in February 2016. A new mayor was eventually elected the following June with the support of several *Liste Civiche* (Civic Lists), only to last 11 months, during which

time she resigned and withdrew her resignation several times.¹² In her final resignation speech, the mayor reported that her mandate had been ‘a complex path spoiled by pitfalls and traps’. Her final resignation was followed by the fall of the executive and the appointment of a State Commissioner, who led the City Council until the election of June 2018. The outcome and messy background of this last election deserve a separate paper. Here, it may be worth noting that 16 electoral lists were registered for this last election; they included a total of 502 candidates for the City Council. These 16 lists grouped into five coalitions, each supporting a candidate for the mayoralty. As at the first round none of the five candidates won an absolute majority, a second ballot had to take place between the two most voted candidates; they were a ‘Centrist’ candidate (supported by part of the Centre-Right parties) with 34.71% and a ‘Centre-Left’ candidate (supported by the Leftist parties) with 23.49% of votes. At the second round, 40.67% of the electorate turned out at the polls and 56.6% of those who did voted for the Centre-Left candidate. At the time of writing, political commentators were arguing that the defeat of the Centre candidate (the favourite at the first round) could be explained by the fragmentation of the Centre-Right coalition. The coalition of the winning mayor was allocated 60% of the city councillors (that is, 20 out of 32).

The Brindisi case is not unique. In 2001, a possible solution to the volatile situation experienced by local administrations was identified in the appointment of ‘independent’ officials who would act both as mediators between the public administration and citizens and as representatives of citizens’ interests; to be more precise, these officials would follow the Ombudsman model. It was hoped that the institution of this role at local level would rekindle trust between rulers and citizens.

In Italy, the role of the Ombudsman had been debated since 1956 but never fully accomplished. A major aim of this free and easily accessible service in public administration is the enhancement of democratic accountability and transparency in government. The Italian denomination of this office is *Difensore Civico* (literally, Civic Defender) and is generally described as a ‘legal and fiscal’ expert who intervenes in matters of public administration in order to solve or prevent problems arising from poor services. The project was dropped in 1960, though not completely aban-

¹²For the 2016 election, there were 22 registered electoral lists, for a total of 698 candidates for the 32 city councillor seats. Following the post-1993 electoral rules, the lists had also to register the electoral coalitions supporting the 6 mayor candidates.

done. Some renewed debate about this office cropped up over the years with no practical result. Let us look at some main events in this ‘process’.

Following administrative decentralization in the early 1970s many newly created Regional Administrations were allowed to include in their Statutes the role of *Difensore Civico* as a way to foster citizens’ participation in the government of the *res publica*. In the 1980s some municipalities also began to establish this office as an ‘auxiliary body’ of the City Council. Significantly, it is in the 1980s that new political formations like CLC began to emerge throughout Italy with the aim of opposing political parties’ abuses of power.

Among the various institutional reforms, Law 142/90 envisaged the institution of a municipal *Difensore Civico*¹³ but only in general terms, delegating to the individual municipalities the task of regulating his/her appointment, term of office and relationship with the City Council. What followed proved that the devil is indeed in the details. The task of *Difensore Civico* would be supported by the Law 241, also passed in 1990, which guarantees public access to official documents and, thus, the possibility of legally challenging the legitimacy of the public administration’s work. Since 2001, 6000 local authorities have included in their Statutes the rules governing the election, term of office and duties of the Ombudsman. Only 16 Provincial Authorities and 329 City Councils have, however, actually established this office. In short, the institution of Ombudsman in Italy became a never-ending, bumpy story. Since 1990, several laws have attempted to provide better regulation of this institution. Particularly relevant are the Law 127 of 5 May 1997 (which aimed at ‘improving’ the reforms introduced by the Law 142/90) and the Legislative Decree n.267 of 2000, which interestingly aims at ‘limiting the proliferation’ of the office of *Difensore Civico*.¹⁴

Brindisi City Council has included in its Statute articles that deal with this new role (Art. 85–94) in the section about ‘People’s Participation’

¹³ Law 142/1990, Art. 8, comma 2 states that municipalities must ‘urgently’ regulate the relationship between *Difensore Civico* and the City Council. This urgent need is reiterated in the Law n.81 of 25 March 1993, which indicates that municipalities with more than 15,000 inhabitants must elect a president of the City Council who will be the direct contact of the *Difensore Civico*. For smaller municipalities, the point of reference would be instead the group leaders of the political coalitions elected to the Town Council.

¹⁴ This decree stipulates that the *Difensore Civico* should be established only in municipalities with more than 50,000 inhabitants; smaller municipalities would have to refer to the provincial office.

(in the city's government). In spite of the alleged impartiality of this office, both my Brindisi ethnography and media reports on pertinent events in several other Italian administrations suggest that the 'political' appointment of the Ombudsman,¹⁵ as opposed to his or her 'free' election, raises issues of accountability, trust, responsibility and, ultimately, integrity. Tellingly, in Brindisi and across Italy, the nomination of candidates and the subsequent 'election' of the City Council Ombudsman have often been used as bargain chips in political competition.

In 2010, a Legislative Decree (D.L. n.2 of 25/01/2010, Art.2, comma 186) abolished the office of City Council Ombudsman. A subsequent Legislative Decree (D.L. n.42 of 26 March 2010) stated that the functions of the City Council *Difensore Civico* would be performed by the *Difensore Civico* of the Province. Critics have argued that this legislation limits the autonomy of municipalities. Furthermore, in 2011, a proposal was made to abolish the Provinces in order to rationalize and make more efficient territorial public administration. To date, there is no end in sight to the debate on these issues.

To recap, the Ombudsman was supposed to guarantee the transparency of governance, look after the interests of the ordinary man and woman and ensure that public offices provide fair and impartial services and fully abide by the law. The trouble with the law experienced by prominent public officials in Brindisi would raise doubt on the efficacy of this institution. Moreover, my local informants note that this office has never dealt with the local environmental and economic problems linked to the new power station (which became operational between 1991 and 1993) and other highly polluting industrial establishments.

Faced with the inefficiency of the local administrations, new protest groups have formed in Brindisi. The most vociferous have been the '8 June Committee', the 'No to Coal' movement and the groups 'Democratic Medicine' and 'Public Health', which involve health sector professionals. These protest groups have joined forces with local administrations of nearby towns that have been negatively affected by the power station. They have formed a 'Collective Injured Party' whose action is primarily aimed against ENEL (*Ente Nazionale Energia Elettrica*, the

¹⁵Regional, Provincial and City Council Ombudsmen are elected by councillors through secret ballot, and a two-third majority is needed (see, e.g., Brindisi Statutes, Titolo III, Capo VII, Art.86, Comma 1).

national body for the production and distribution of energy), which is the corporation responsible for the new power plant. In December 2012, what had become known as the ‘ENEL trial’ began against 13 executives of the corporation. Elsewhere, I have looked at some of the initial developments of this ongoing affair (Prato 2017a, 2018). Here, let us note that in May 2017 the listed protest groups and some of the affected towns appealed to the Regional Administrative Tribunal against the sentence of the Court—which, the protesters say, favoured ENEL and disregarded the welfare of the territory and its citizens. It is equally important to note that Brindisi’s mayor, who later resigned, failed to file an appeal.

The appointment of the municipal Ombudsman in Italy seems to be yet another case of the difficult relation between theory and practice. Above all, it points to a chasm between written legal regulations and actual practice. As we shall see in the next sections, a similar process has been occurring in post-Communist Albania where the new Republican Constitution guarantees on paper citizens’ democratic rights; the reality, however, is quite different.

DREAMS OF A BETTER LIFE: ALBANIAN PATHS TO DEMOCRATIZATION

Towards the end of the twentieth century, events took place in Albania that deeply influenced the country. Among them, the students’ revolts between December 1990 and March 1991 marked a most important turning point in its history. At that time, some Albanians had approached the Italian Embassy in Tirana, hoping to get a visa and leave the country; they were mostly unsuccessful. In February 1991, a group of undocumented Albanians crossed the Adriatic and arrived in Brindisi seeking asylum. This was an initial, relatively small, part of a wave of mass migration that reached Brindisi by sea the following March. The arrival of more than 10,000 Albanian immigrants created a situation of emergency. As the regional and national governments offered no immediate help, the City Council accommodated the majority of immigrants (mostly young men) in local hotels. Some more were camped in the football Stadium. Others found refuge in private homes, as the local population offered asylum to older people, women and children.¹⁶

¹⁶ Between February and August 1991, 45,000 Albanians arrived in Brindisi seeking asylum. New arrivals continued in the following years. By December 1996, there were 63,976 Albanians officially registered in Italy. A new numerically significant wave was registered in

Although 1991 is recorded as the year that Albania finally opened to the outside world, earlier changes in the country had begun after the death of the dictator Enver Hoxha in 1985. His successor, Ramiz Alia, attempted some socio-economic reforms, motivated not so much by aspirations of democracy as by the necessity to try to remedy the disastrous economic situation that had followed the breakdown of economic relations with China in the 1970s. This was not an easy task, for Alia had to struggle to keep at bay hardliners' opposition, especially from Hoxha's widow. In the early 1990s, under pressure from the students' demands, and against the hardliners' will, Alia introduced a multi-party system, which allowed the formation of new parties, such as the Democratic Party.¹⁷ This was a first but certainly not sufficient step to quench the popular protest. Following the demolition of Hoxha's statue in February 1991, Alia called the first *free* elections in the country which took place in March. Nationally, the Socialist Party (heir of the former Party of Labour) won the election. However, in many major cities the winner was Berisha's Democratic Party. That April, Alia was (re)elected President of Albania. In that role, he argued that Switzerland should be adopted as the democratic model on which to shape the new Albania (Alia 1992). Of course, this required the implementation of reforms in key institutional fields. As later events showed, this was easier said than done. A major problem was going to be the formation and stability of government under the new, unfamiliar, multi-party system. Between the 1991 election and March 1992, there were several governments of 'transition', initially involving only the Socialists and, then, also the Democrats in a 'coalition of national unity'. The coalition was led by three Socialist prime ministers, each lasting between four and six months. This unstable situation produced further chaos and continuous strikes in several sectors. In March 1992, new elections were won by the Democratic Party. Berisha, leader of the winning party, was elected President, a position that he held until 1997. Later, he was Prime Minister for two consecutive terms from 2005 to 2013.

1997; following the collapse of the Pyramid schemes, about 9000 Albanians arrived in Italy between March and April that year.

¹⁷ One of the founding leaders was Sali Berisha, who had been Secretary of the Committee of the Party of Labour (*Partia e Punës*) and Enver Hoxha's personal doctor. In the early 1990s, he embraced the anti-Communist approach that was spreading across Albania.

The introduction of pluripartitism paved the way to the institutional and legal reforms necessary to implement fully democracy and stimulate the development of a market economy. At the same time, however, pluripartitism exacerbated the instrumental use of corruption in political competition. This was not a recent phenomenon in Albania. Under Communism, nepotism was widely practised as a reward for proven loyalty to the party. Most importantly, in the climate of economic autarchy of the 1976–1986 decade, corruption became widespread at all levels of the regime’s institutions. To avoid alienating people’s support in a situation of deep economic crisis, the party’s hierarchy publicized various cases of embezzlement of funds and theft, some of which involved a prime minister, a minister of interior and officers of the secret police. The situation worsened when, following Hoxha’s death, moralizing campaigns became the means of political competition among the Communist nomenklatura in preparation of the dictator’s succession to the party’s, therefore the country’s, leadership (Prato 2004).

In post-Communist Albania, proven cases of corruption and (often unsubstantiated) accusations of corruption have again become the means for political opponents to exclude each other from power in a way that closely reminds of the moralizing campaigns described by Pareto (1964) and Mosca (1923) as instrumental means for the circulation of the élite in liberal democracies. Furthermore, in Albanian politics the alleged ‘corruption’ of one party has also become the *raison d’être* of the other, opposing party. Significantly, throughout the political campaign of January 2011, the Socialist and the Democratic Parties pursued their political agendas by staging demonstrations against each other. Cases of corruption involved representatives of the institutions of the state (including former prime ministers and former presidents of the Republic) and high-level bureaucrats, who in some cases were accused of embezzlement of international financial aid and administrative fraud. Some of the accused justified their corrupt actions in the name of ‘public interest’, claiming that their dealings helped economic development that would facilitate the process of democratization. Perversely, these justifications have often facilitated the illicit accumulation of private wealth to the detriment of the interests of the wider citizenry, that is, the general public on whose behalf they claimed to act (Prato 2004, 2011).

Albania’s determination to gain international credibility has spurred substantial anti-corruption investigations. Successive governments have

implemented various policies in fulfilment of their pledge to fight corruption.¹⁸ Nevertheless, cases of corruption in many spheres of public and private life are repeatedly reported in the media.

PERFECTING DEMOCRACY: ‘DID YOU SEE THE AIRPORT?’

Media coverage of corruption goes well beyond the aim of ‘informing’ the public. In several cases a major aim is to create, influence or manipulate ‘public opinion’. In Albania, an example of this strategy is given by the case of a popular satirical show called *Fiks Fare*, which translates as ‘As such’ (or ‘Same Equal’, ‘Exactly’). This daily show is generally considered to be a clone of the Italian satirical show *Striscia la Notizia* (translated as, ‘The News Slither’) that is broadcast on ‘Canale 5’, a TV channel of the Mediaset group.¹⁹ *Striscia* (as the show is normally called) was initially meant to be a parody of the evening news aired right before the programme. Over the years, the show has focused on satirizing government corruption and exposing scams with the help of local reporters, some of whom are also comedians.²⁰

Like the Italian television show, the Albanian *Fiski* (as it is generally called) uses satire to expose corruption, fraud, malfeasance and abuse of office by public officials, as well as other negative aspects of Albanian society. It has been broadcast since December 2002 by the Albanian private TV ‘Top Channel’. One of their ‘exposés’ has become internationally known and has attracted the attention of the EU.²¹ This exposé, aired in January

¹⁸ Cases of malpractice and bribery have been reported among several legal professions and in public institutions such as the magistracy, customs, hospitals and those appointed to supervise the privatization of state assets and the restitution of property (Paterna 2000).

¹⁹ According to an article published in the newspaper *Corriere della Sera*, several other Italian shows have been ‘cloned’ by Albanian TV channels (https://www.corriere.it/spettacoli/13_dicembre_08/tv-italiana-clonata-albania-23dac8c2-5fdc-11e3-a69c-5b474ab780a8.shtml).

²⁰ *Striscia la Notizia* was first broadcast in 1988. ‘*Striscia*’ has a polysemic meaning; in this case, as a noun it means ‘strip’ (like in cartoon strip), and as a verb (‘*strisciare*’), it means to crawl or to slither, like a snake or a worm that slithers underground digging holes. The show’s name is meant to signify precisely underneath digging in order to expose ‘cheats’. The emblem is a crawling snake. Interestingly, a (coiling) snake is the original symbol of Berlusconi’s Mediaset group.

²¹ The European Commission expressed public concern through the spokesperson of the Commissioner for the Union Enlargement. The fight against corruption was in fact one of the 12 points Albania had to fulfil in order to gain EU access status (Prato 2011). On inter-

2011, involved the then Deputy Prime Minister and Foreign Minister, Ilir Meta, and the then Minister for Economy Dritan Prifti. Meta also led the splinter Socialist Party *Lëvizja Socialiste e Integritimit* (LSI—Socialist Movement for Integration) that, in 2011, was part of a government coalition with the Democratic Party.²² Apparently, Prifti acted as a whistleblower after Meta fired him. Prifti allowed *Fiks Fare* to broadcast a videoed conversation of March 2010 during which Meta asked several favours which Prifti was reluctant to grant; the favours ranged from jobs for party militants to facilitating public tenders. The video unleashed a barrage of accusations between two opposing political camps, specifically, Meta and Prime Minister Berisha, on the one hand, and Prifti and the Socialist Edi Rama, at the time Leader of the Parliamentary Opposition and Mayor of Tirana, on the other.²³ According to Meta—who said he would forgo his parliamentary immunity in order to allow a transparent judicial enquiry—and Berisha—who did not accept Meta’s resignation—the video was an intentional fraud concocted by Rama to subvert the Albanian political set-up and find new political compromises. Berisha also said that there were cuts in the video that mislead the uninformed public on its full content and asked the Prosecutor of the Republic to investigate. Prifti and Rama accused their opponents of being utterly corrupt and of having usurped the institutions of the state and appropriated several public assets.

The judicial investigation that followed produced three indictments: abuse of office, and ‘active’ and ‘passive’ corruption of public officials. The Prosecutor seized the video and the documents related to the tenders that were mentioned in it. The Prosecutor specified that in case the preliminary investigation proved that a crime had been committed they would ask the suspension of parliamentary immunity for the involved MPs. After several investigations, the High Court ruled that, because of the aforementioned manipulation, the video did not constitute valid proof. Meta resigned nonetheless, only to return to politics in 2013, when he joined a coalition government with the newly elected Socialist Party. On that occasion, Edi Rama became Prime Minister and Ilir Meta was appointed as

national media coverage, see, for example: <https://www.albanianews.it/notizie/albania/politica/1599-video-meta>.

²² Prime Minister at the time was Sali Berisha. The *Lëvizja Socialiste e Integritimit*/Socialist Movement for Integration (LSI) had joined a coalition with the Democrats also previously, in 2003.

²³ Edi Rama was the mayor of Tirana between 2000 and 2011. He is internationally known for his ‘artistic’ approach to the urban renaissance of Tirana. For details, see Prato (2017b).

Speaker of Parliament. In 2017, Meta was elected President of the Albania Republic by parliament.

In order to avoid accusations of judicial malpractice, or even corruption (see n. 21), throughout the unfolding of these events, external experts were asked to ‘help’ the Albanian Prosecutors in their investigation. Such help was provided mainly by the US Embassy in Tirana.

At the time of the 2011 *Fiksi* broadcast, many Albanian informants commented on an element of the exchange between Meta and Prifti, that is, one of the ‘favours’ mentioned involved granting a public contract to a business group indicated by Meta. They said that this reminded them of a joke that they had told me some years earlier. Bledar, whom I met during my initial fieldwork in 1999, titled this joke ‘Did you see the airport?’ and habitually used this expression as a metaphor when pointing to cases of malpractice, abuse of office or outright bribery and corruption. The first time I heard this joke, Italy and other European countries were ‘advising’ Albania on legal reforms and the democratization of political and economic institutions. The protagonists of the joke are an Italian member of parliament and an Albanian politician. Its content is analytically illustrative and it is worth outlining it here. The Albanian politician travels to Italy ‘to gain first-hand experience on how democracy works’. Before showing the Albanian what he had accomplished when he was minister for public works, the Italian MP invites his foreign guest to his splendid villa on the outskirts of Rome. Impressed, the Albanian says that in his country ‘it would be impossible for a politician to live in such luxury’. So, he guesses that his Italian counterpart ‘must either earn a lot of money or come from a very rich family’. The Italian responds that he is happy to share with his ‘Albanian colleague’ how he achieved all that. So, he shows him some of the projects that were completed when he was minister; a Stadium, a school and a train station terminal. While doing so, the Italian asks: ‘Do you see the Stadium? The money for its construction went half there and half here’, and in saying so he touches his hip pocket where he keeps his wallet. Then he carries on illustrating other projects. At the end of the visit, the Italian promises that he will soon visit his new friend in Albania. When the Italian visits Albania, he is surprised to see that his friend drives an elegant car, lives in a luxurious house and, remembering what the Albanian had told him about the economic situation, wonders what had happened. In response, the Albanian shows him what *he* has done as minister of public works. He takes the Italian to the outskirts of Tirana and asks: ‘Do you see the airport?’. ‘Which airport?’, the Italian asks. The

Albanian says: ‘Exactly... the money? It is all here’, and he touches the wallet in his hip pocket.

Bledar referred to this joke to imply that Albanian politicians were ‘perfecting’ some aspects of democracy, in this case in the form of a distorted interpretation of ‘free access to resources’. He added that it was easy to use Italy as an example of the practical, if often distorted, ways in which the democratic system works. As many other Albanians, Bledar and his family had become familiar with Italian society by watching Italian TV; ‘after all’, he remarked, ‘isn’t *Fiksi* an imitation of the Italian *Striscia*?’ One of his children remarked, however, that by ‘perfecting’ some aspects of Italian society, Albanians had gone a long way since they had looked up to Italy as a ‘land of hope’.²⁴

Ordinary citizens, however, are not powerless puppets who are easily misled by fashionable would-be public-opinion manipulators.²⁵ Bledar, for example, was well aware that the media are not ‘politically neutral’. He noticed that there was a significant difference between the Italian and the Albanian television shows. Although *Striscia la Notizia* denounces various kinds of malfeasance and frauds, Bledar argued, that show cannot aspire to be recognized as ‘serious’ journalism because it is broadcast on a Mediaset TV channel, and, he added, everybody knows how Berlusconi has been vilified in the international media. Nevertheless, *Striscia* remains very popular; its audience rate is higher than other, ‘more serious’ shows based on investigative journalism. In contrast, Bledar continued, *Fiksi* seems to serve the interest of the international community; therefore, its ‘investigative reportages’ are not questioned. Over the years, *Fiksi* has refined its investigative appeal and several reporters associated with the show have received prestigious awards, especially from the EU. In 2015, the EU established an award for investigative journalism in the Western Balkans and Turkey as a way to encourage freedom of information in these regions. At the ceremony of the 2017 EU Investigative Journalism award, Jan Rudolph—Head of the ‘Political, Economic and Information Section’ at the EU Delegation to Albania—said that ‘Freedom of expression and freedom of

²⁴ Bledar’s child was referring to a film produced in 1994 titled *Lamerica*, where Albanians look at Western Europe in the same way as early twentieth-century migrants had looked at the USA (popularly called America). See Prato (2004: 76–77).

²⁵ On the power of the powerless, see Harris (1986) and Pardo (1996: Chaps. 6 and 7; Pardo 2018b, in this volume). On media manipulation, see, for example, Pardo (2018a) and Sarfati (2018, this volume).

the media implies a commitment to democracy, good governance and political accountability'. Addressing the candidates, he added that 'These are some of the prerequisites for a country to become part of the EU and one of the reasons why each of you play such an important role in creating EU standards'.²⁶

Commenting on this and other socio-cultural changes in Albania, Bledar said that the foregoing is further indication of how the success rate of the fight against corruption is determined by the external, and often instrumentally oriented, assessment of the international community. Foreign intervention on the country's internal affairs seems to be eroding people's initially positive view of democracy. As I said earlier, corruption and illegality have been major concerns among foreign observers in post-Communist Albania. Corruption, their argument goes, has been *the* major obstacle to Albania's democratization process and, eventually, to full EU membership. Today, foreign commentators seem to take a positive view of what appears to be a decrease in corruption in many institutional domains. Significantly, however, while the praise of the international community has clearly granted the kind of institutional credibility and legitimacy demanded by supranational organizations, they do not seem to have led to citizens' recognition of such credibility and legitimacy.

CONFLICTING SOURCES OF LEGITIMACY

In agreement with Pardo (2004, 2018a), I have suggested that in order to understand the way in which phenomena such as corruption occur and are experienced in any given society we should contextualize them in the historical and cultural traditions of that society (Prato 2004, 2011). It should go without saying that in doing so we should avoid falling into the trap of moral relativism or cultural determinism. Furthermore, in looking at such phenomena as corruption, we should consider the discrepancy between, on the one hand, codes of behaviour and people's perception of actions which are legally defined as crimes and, on the other hand, the legal system which should punish such crimes. In particular, we should consider that while actions are seldom sanctioned or sanctionable per se, they are so in the context of given relations, of the ethical vision of such relations and of what is considered to be proper behaviour (Pardo 1995, 2000a).

²⁶ See *Tirana Times*, June 7, 2017. Available at: <http://www.tiranatimes.com/?p=132748>

Using historical and contemporary ethnographic material, in earlier works (2004 and 2011) I have analysed how the concept of ‘corruption’ as it is defined in Western jurisprudence is not contemplated by the Albanian traditional juridical system. This system, known as *Kanun*, was codified at the beginning of the twentieth century. It regulated the social, economic and political relations of the Albanian segmentary tribal structure. In such a system, there would be no incompatibility between ‘administrative’ or, rather, ‘public duties’ and social obligations towards one’s group; the integrity of a person would be measured in relation to the fulfilment of such obligations, which in turn safeguarded national identity and unity.²⁷

In his book on Albanian identity, Saltmarshe (2001) argued that, like the Communist regime, post-Communist governments have undermined trust in the state institutions because they have failed to promote real political, economic and legal reforms and, ultimately, social security and stability.

My ethnography suggests that the empirical situation in today’s Albania is far more complex and articulated than a narrow focus on corruption could reveal. To begin with, in agreement with Saltmarshe (2001), I have been critical of the concept of transition (to democracy)—which implies the imposed assimilation of ‘cultural artefacts’—and have used instead the concept of transformation, arguing that an informed analysis should take into account the gradual adjustments, adaptations, negotiations and redefinitions of social identities that are inevitable and necessary in implementing democratic institutions based on the rule of law. I have therefore asked to what extent the new, written democratic constitution of Albania would guarantee citizens’ political participation and full inclusion in society. True, the Preamble of the Albanian Constitution of 1998 emphasizes the aim of building a ‘social and democratic state’ based on the rule of law and of guaranteeing human rights and equality of opportunity in the framework of a market economy. On paper, all this is constitutionally guaranteed. Real life is much diversified.

The majority of Albanians who I have met do not feel that they are in control of, or have any influence on, what happens in their country, let alone in their life. My field notes bring out how many feel that fundamental

²⁷ Hasluck (1954) described this system as a true democracy because, she said, it was a government of the people, for the people, by the people. For an extended analysis, see Prato (2011).

rights are, in fact, denied to them, from access to proper health care to education, housing and jobs. People continue to experience the effect of malpractice and corruption in their everyday life. I found that there is in today's Albania a widespread view of the political élite 'as people who', as an informant put it, 'are just interested in signing international agreements, devising procedures and pursuing personal power, while ostensibly ignoring citizens' needs'.

The reforms on 'Territorial Administrative Division' (Law No. 8653, 2001) raised new hope for the accomplishment of significant change at least in local governance. Similarly, like in the Italian situation that we have studied earlier, many Albanians welcomed the establishment of the Ombudsman in 2002. They hoped that this supposedly impartial and independent office would assist people against the shortcomings of the legal and economic reforms. The *Albanian Daily News* (September 2002) reported that in the initial 3 months the Ombudsman received 293 complaints. However, due to lack of institutional support and resources, only 143 of these complaints were examined and brought to a successful conclusion. As Tani, one of my key informants, recently said, this seems to be a never-ending story in a continuously changing scenario. So far, because of ambiguous and continuously changing legislation, different local administrations have operated with different degrees of efficiency.

A recent example of relative efficiency seems to lie in the new approach of the establishment at local and national government levels towards the informal areas at the periphery of major cities. These areas have recently witnessed unprecedented efforts to involve the local population and civil associations in administrative matters, including the provision of long overdue services and the legalization of their urban residential status. Special attention has been paid to the geopolitically relevant Durrës-Tirana metropolitan region (Prato 2017b). Tani is working with a local association to bring the inhabitants of these areas into these processes. According to him, on the one hand, this new approach to citizens' needs is received positively by the general public, as in the case of the informal areas. On the other hand, there is a widespread feeling that, as he put it, 'national political leaders continue to rely on international "powers", especially the EU and the US, to affirm their legitimacy; meanwhile, they delegate to those powers the task of fulfilling responsibilities that we would expect to be met by our national leaders'. As an example, Tani mentioned the 2017 parliamentary stalemate caused by the inability of the two major parties (Democratic and Socialist) to reach an agreement. He added, 'political

parties have taken the debate out of parliament, discussing privately, in absolute lack of transparency, how to alter the Constitution, amend the Criminal Code and introduce new electoral rules'. An agreement was eventually reached after three months of failed negotiations. It was agreed that the Socialist prime minister would remain in office, while the 'former opposition' party (Democratic) would appoint its representatives in key institutions, including the National Ombudsman, who plays a crucial role in the management of the electoral process and the judicial reform. Interestingly, the dialogue—and eventually the agreement—between the two parties was facilitated by the visit of the US Deputy Secretary of State for European and Eurasian Affairs.

Tani's observations bring to the fore another important aspect of legitimacy in contemporary society, that is, the role of the international community in legitimizing national affairs (see also Koechlin 2018; Mollica 2018 and Spyridakis 2018, in this volume). As the Albanian case shows, external interventions (some informants call them 'interferences') can indeed undermine the legitimacy of national rulers and contribute to alienate people further from the institutions of the state.

CONCLUSIONS

In this comparative study of political change in Italy and Albania I have sought to establish to what extent legitimacy is linked to public accountability and trust, beyond the strictly legal dimension. I have pointed out that accountability in the political field cannot be separated from integrity, intended as a system of values that carries significant expectations of people's behaviour. As a value system that implies adherence to shared moral and ethical principles, integrity makes possible people's assessment of a person's moral character and, ultimately, of their ethics of responsibility. In the light of the analysis that I have developed here, I suggest that it would be misleading and limited to analyse legitimacy by referring merely to abstract 'legal' parameters.

It is true that the contemporary State of Rights requires laws to maintain political stability. However, our analysis needs to come to terms with the fact that the State Law is supposed to be widely based on established customs and shared values. As Voegelin argued, elected representatives should act 'in accordance with' the *intencio populi*. Reflecting on the relationship between ethics and politics—a relationship that, as we have seen, appears to have become significant again in terms of legitimacy beyond

bureaucratic legality—Aristotle warned that, after all, the government of the ‘wise legislator’ might represent the best form of ‘rule of law’. Nevertheless, such a wisdom—however enlightened and responsive to citizens’ needs or commonly shared values it may be—cannot avoid addressing the conflicts that arise from competing truths (*à la* Voegelin), sources of legitimacy and processes of legitimation.

The Italian and Albanian cases suggest that political institutions may be examples of rational-legal legitimation (*à la* Weber) but their legitimacy in society is significantly influenced by the way in which their representatives exercise *personal* responsibility beyond institutional power. Both cases suggest that, as Pardo has argued (2000a), legitimacy builds upon personal credibility *as well as* public accountability. Both cases suggest that the relationship between government and citizens needs to be conceived—and acted upon—as a relationship of reciprocity, in the sense that political legitimacy and citizens’ loyalty cannot be separated from the belief that the state and its governing institutions will protect citizens’ rights and will efficiently respond to their needs. The analysis of these two cases has brought out the important fact that citizens grant—or do not grant—legitimacy by constantly assessing the actions and motivations of their rulers. Ultimately, it has suggested that the credibility of rulers builds on relations of reciprocal trust (Pardo 2000a, 2018b, this volume).

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CHAPTER 3

Governance Without Legitimacy: An Italian Conundrum of Democracy

Italo Pardo

INTRODUCTION

Based on my research in Naples, the third largest city in Italy, this chapter builds on the work that I have done since the early 1990s on legitimacy and its complexity,¹ in Weber's sense (1978: esp. Chap. 3).² It may be helpful to look briefly at this intellectual trajectory, keeping in mind two key aspects of the dynamics of legitimacy. Throughout the discussion that follows I respond to the need to consider that actions that are ordinarily undertaken at grassroots level and that are not always strictly legal may enjoy legitimacy in the eye of the actors and their significant others

¹For reasons of space, I give only the essential ethnographic details on the processes that I discuss. In each case, the interested reader will find in-depth discussions in my previous publications, to which I refer at the appropriate places.

²Of course, much has changed since Weber's day but his work remains fundamental to understand critical aspects of today's politics.

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_3

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because they are *morally consistent* with their value system. I also reckon that rulers' behaviours and policies, though legal or expediently *made to be* legal, may not be received as legitimate in the broader society, which is critical because in order to enjoy authority, the power to rule needs to enjoy legitimacy.

A premise is necessary. In the mid-1980s, I did anthropological fieldwork among the Neapolitan *popolino*,³ ordinary people who live in a neighbourhood of the historical centre (Pardo 1996).⁴ Several extended fieldworks and updating two- to six-month field trips followed. As I reflected on the sharp contrast that had emerged between my ethnography and the stigmatizing picture given in the dominant literature, I came to recognize a critical problem of trust. Ordinary Neapolitans' mistreatment by their distrusting rulers, who, in turn, enjoyed no trust or legitimacy at the grassroots (Pardo 2017: 37–43), graphically exemplified the point (Pardo 2000: 7) that trust may involve an emotional aspect but is primarily a rational process based on experience, and that between two parties, trust must work both ways in order to work at all. It is of course credibility that inevitably breeds trust; equally obviously, when it comes to governance, credibility is heavily dependent on the observable management of responsibility. Then, as now, a large proportion of the autochthonous population was oppressed by adverse policies that fuelled their resentment of what they describe as 'bad governance' (Pardo 2012: 68–73).

As a social anthropologist, I am averse to unjustified abstraction. Generations of solid anthropologists have demonstrated the unique value of an in-depth understanding of the moral complexity and social value of individual action gained through classical long-term fieldwork.⁵ In the tradition of Edmund Leach (1977), Rosemary Harris (1986) and Jonathan Parry (2012), I have found that meeting this condition of ethnographic methodology helps to illuminate key dynamics of legitimacy (Weber 1978: 212–15) in the relationship between citizenship and governance with particular reference to social policy, legislation, integration and access to rights (Pardo 2018a).

³These informants thus describe themselves, explicitly rejecting the word's derogative meaning and the associated stereotype (see next section and Pardo 1996: Chap. 1).

⁴On the pioneering character of that research in British Social Anthropology, see Prato and Pardo (2013) and Pardo and Prato (2017). Abraham (2018, this volume) argues the importance of studying neighbourhood dynamics.

⁵For a recent account, see Pardo and Prato (2017).

In the early 1990s, my interest in how power operates led to research on the processes of legitimation and de-legitimation that mark élite groups' management of power and authority in politics; business (particularly small- and medium-sized businesses); the banking, medical and legal professions; and in the judiciary, the intelligentsia and the media (Pardo 1996, 2000, 2012: 61–65, 2017: 44–47). I carried out long-term fieldworks on this topic, each lasting between 14 and 18 months. This work is continuing, expanding, where appropriate, beyond Naples and Italy.

Each fieldwork focused on one of these 'domains', naturally extending, in a controlled fashion, to relevant networks in other 'domains'. Like I did among ordinary people, I used a combination of documentary research, participant observation, non-structured interviews and informal conversations with key witnesses. Anthropologists go and *live* among the people they study; they do not just carry out participant observation at given times. I took residence where many local élites live, socialize and in some cases work. Whenever possible, I participated in relevant events, formal and informal, private and public.⁶ Some of my élite informants were or became marginal to power, others were in power; in both cases, their concern with confidentiality found a satisfactory answer in my proven practice.

Over time, a detailed picture of governance (of various political colouring) has emerged that, though legal, lacks legitimacy among ordinary citizens. I have long worried that the trade of legitimacy for power that I encountered in the field fed the risk that the combination of legally established powers that failed to achieve legitimacy among ordinary people and the latter's informed distrust of those who manned the official institutions could coalesce in the de-legitimation of those institutions at the grassroots (Pardo 2000). Regrettably, this is now a dangerous reality that deeply mars democratic life in Italy, as elsewhere in the West (Spyridakis 2018 and Prato 2018b, this volume) and beyond (Sarfati 2018 and Prato 2018b, this volume). It does so against the background of what threatens to become an unbridgeable chasm between the rulers and the ruled. What follows probes this conundrum of democracy in Naples.

⁶In each case, prior to fieldwork, I took stock of relevant quantitative material (demographic and other statistical data, census returns, surveys and so on) and studied relevant speeches, historical material, briefs, media archives, judicial inquiries and rulings. Good sources of information were also documents, often unpublished, such as research reports and private correspondence and archives. For more detailed information on these fieldworks and the methods and methodology, see Pardo (2017).

BASIC CONSIDERATIONS

European governments—and the European Union (EU)—now belatedly acknowledge that there is a ‘gap’ between citizenship and governance. Yet, while much has been said about the need to address the instances of citizenship, little has been done. From ordinary people’s viewpoint, this amounts to a breach of the democratic contract that can only be explained by inability or unwillingness—one or the other; there is no third option. Meanwhile, the gap grows.

In a democracy, rulers have legal status and *formal* authority (Weber 1978: 217–26), and they exercise (or are supposed to exercise) power primarily through the law, its production and its enforcement. Their *real* authority depends, however, on citizens’ recognition of the legitimacy of their rule (Pardo 1996, 2000). Prato’s analysis of party-ocracy (2018b, this volume) highlights a deeply corrupt—but generally legal—kind of abuse of power, whereby political party’s interests are prioritized over those of society. Across Europe, rulers of different political persuasions have long embodied an élitist management of power arrogantly coached in the claim that they ‘know better’ (Pardo 1996, 2000), which mostly explains their failure to earn citizens’ recognition of legitimacy. Their distance from ordinary people has grown—exponentially—on the back of a deep-seated economic crisis,⁷ slanted production of the law and blatant disregard of instances on the ground, coalescing in the well-known electoral ‘upsets’.

Article 1 of the Italian Constitution significantly says, ‘Sovereignty belongs to the people, who exercise it in accordance with the forms and within the limits of the Constitution’ (my emphasis, my translation).⁸ For many years, established politicians have run roughshod over this democratic imperative. Through legalistic recourse to the small print in the rules, and with the more or less willing support of parliamentarians from across the board, between 2010 and 2018, Italy was notoriously ruled by unelected

⁷Official 2017 statistics make heartrending reading. In Italy, a G8 country, 5.580 million people live in ‘absolute poverty’ (10.1% more in the South), while 9.368 million live in ‘relative poverty’ (ISTAT 2018). The U.K., also a G8 country follows suit (McGuinness 2018: 9–15). Spyridakis (2018, this volume) spells out the Greek case. And so on.

⁸The Italian text reads: ‘La sovranità appartiene al popolo, che la esercita nelle forme e nei limiti della Costituzione’ (*Costituzione della Repubblica Italiana* 1948: Art. 1).

prime ministers who led unelected governments.⁹ The once-small protest parties that won the general election of March 2018 and now rule the country may well be conveniently dismissed as ‘populist’ by the powers-that-be. To the unbiased observer, they appear to respond to urgent popular demands, which in this country are supposed to be (constitutionally) paramount. They may do so simplistically, perhaps instrumentally but nonetheless cogently; it remains to be seen, though, how truly and efficiently.¹⁰ Pointing to the difficult relation of power to authority, responsibility and trust that mars today’s Western democracies, their large electoral support exemplifies in many ways the support gained by similar parties among the autochthonous population of European countries like Austria, France, the Netherlands, Germany, the UK, Hungary and across Central Europe, as well as in the USA.

As it is unequivocally brought out by a comparative analysis (Pardo and Prato eds 2011), two key corollaries of the aforementioned gap are gradations of distrust between rulers and the ruled and a progressive displacement of legitimacy in key institutional domains (legislative, executive and judicial). Both processes mark the observable erosion of rulers’ authority regardless of what power they hold on to and *how* they do so (Pardo 2012). Here, I look at this problem through the study of the reciprocal distrust between rulers and the ruled that informs deeply life in Naples. Critical in this process, we shall see, is rulers’ mistreatment of the morality and action of ordinary people, whose management of life may not conform to some bourgeois Western ideal and to the vested interests of ‘superior powers’, but it does underlie values and styles of citizenship that raise important issues on the legitimacy of governance and the law (Fuller 1964; Saltman 1985; Pardo 1996, 2011). That such mistreatment should metastasize *across* the political board underscores the analytical significance of this point.

Let me be precise. Here, ideological slant has long combined with the fictitious dichotomy between individual (action and morality) and society, to crystallize in policies that have emphasized structural constraints and

⁹I analyse this situation in a separate essay on corruption that does not break the law (Pardo 2018b).

¹⁰At the last general election (March 2018), the turnout was 73%. Italians voted overwhelmingly (50% nationally, up to 75% in the South) for protest parties of the left and the right that are not associated with ‘the establishment’ and whose rhetoric addresses key popular instances.

social inequality. Thus, the Hegelian concept of plurality—man is human as part of the human community, alone he is inexistent—has been forced into a confusion between being *in* community (belonging to) and being *cum* community (being together with). This confusion needs attention for two important reasons. First, because it underpins the claim that organized, collective action is evidence of good citizenship and sense of civic order, whereas individual goal-pursuit and collective protest that escapes ‘proper’ organization (and motivations) are morally reprehensible and anti-society. Second, because it explains both the politics of handouts and the systematic attempts of clientelist-oriented potentates to make instrumental use of people’s uneasiness with over-bureaucratized relations and with the superimposition of organization. Reminding us of a problem often found in the literature on power relations, in both cases the basic assumption, on which I expand in the next section, is that ordinary people are culturally and socially subaltern. This is a circular argument, obnoxious to reason, observation and, above all, to citizenship (Pardo 1996, 2017). It stands on a web of begged questions, where the question is answered in advance by defining its terms.

CITIZENSHIP IS BOGGED DOWN

The damage done by the stereotypical view of South Italy that has become established at least since Unification (1860) cannot be overstated. Its ugly classist and racist undertones bring to mind the infamous creed of eugenics,¹¹ as it maintains that southerners are culturally and socially backward individualists who lack civism, *à la* Putnam (1993), and cannot be trusted. In this context, the *popolino* of Naples have been typecast as amoral and ungovernable underclass. For a very long time, this ideological set-up, and the consequent restrictions in terms of factual citizenship, have underpinned politically diverse rulers’ presiding over the economic and political exclusion of a culture and approach that, as I explain later, is difficult to control because committed to personal independence and discernment and therefore poses considerable challenges to the ‘powers-that-be’.

Generations of politically subservient writers on Italy have lent their support to this set-up, which raises interesting questions. It is generally agreed that social scientists have a responsibility to study mankind to improve

¹¹ For a more detailed discussion of this serious problem, see Pardo and Prato (2011: 4–6; see also Prato and Pardo 2013).

mankind. However well intentioned, this is not a simple, or straightforward, task—and it involves complex responsibilities. Empirically grounded anthropological theory has brought much sophistication to the analysis of the political responsibilities of academic research (Gledhill 1994: Chap. 9; Prato 2015; Prato and Pardo 2013). It has evidenced the straitjacket of parochialism (conceptual, ideological and moral) that in cases like that under consideration underlies these responsibilities and has demonstrated that intellectual honesty and a good dose of common sense provide a solid ground for our approach. As an ethnographer, I am intrigued by the expertly crafted verbal clothing and symbolic action that for a long time has sugar-coated or concealed the responsibility of (politically) ‘organic intellectuals’¹² in the stereotypy of Southern Italy.¹³ The key point is that there is a critical opposition between independent analysis and analysis that responds to vested interests, political and otherwise.

In South Italy, public funds have been systematically used for assistance, as opposed to investment. Industrialization has been fragmented and insufficient. Here, non-industrial and post-industrial values are prominent, official unemployment is high—reaching 40% among the young¹⁴—and economic informality thrives.¹⁵ Over the past 30 years, local rulers have verbally opposed assistance and clientelism and have practised both. They have done so while implementing Gramsci’s intimation (Gramsci 1966: 216–218) that popular culture—intended as a ‘conception of the world’—should be taken seriously, investigated and, then, uprooted, to be replaced

¹² See Pardo (1996: Chap. 1 and 2017) and Pardo and Prato (2011). Gramsci’s (1971) interpretation of Fichte’s theory (1847) has been largely used to legitimate this kind of intellectuals and their theorems. Benign critics see them as know-all useful idiots (Demarco 2009), while most others refuse to ignore that they have made their careers and financial fortunes (often moonlighting as stars of cheap television shows) by damaging the image and reputation of Naples and Southern Italy.

¹³ Well-grounded research has amply discredited this kind of literature (Pardo 1996, 2017; Stewart 2001; Schneider 2002), of which examples abound (on Naples, see, among others, *Micromega* 1990).

¹⁴ In Italy, unemployment is 11%. In the South, it is 21%. In Naples, the unemployed are 23.7% of the active population. It is, however, generally agreed that only a small proportion of the officially unemployed are actually out of work.

¹⁵ For what may be worth in this field, in 2010 six million southerners in working age were believed to be working informally (SVIMEZ 2010: 8; see also SVIMEZ 2015 and 2016). This was reiterated by a 2011 Parliamentary Inquiry (available at: <http://it.finance.yahoo.com/notizie/riciclaggio-bankitalia-sommerso-criminale-vale-095243438.html>), which also claimed that the informal ‘sector’ is larger in the Centre-North.

by a superior, enlightened conception. Unsurprisingly, their governance has embodied the distortions encouraged by the aforementioned fictitious opposition of the individual to society that informs the dominant definition of membership of society and, classically (Barbalet 1988), of non-membership, or indeed undeserving membership.

With graded sophistication, informants from all walks of life reckon that, though legal, this is a punitive approach that begs fundamental questions of legitimacy as it fundamentally jeopardizes their citizenship.¹⁶ They say they have *reason* to feel excluded and marginal, with observable effects in real life.

Evidently, it is not simply a question of having to deal with stereotypical representations of people's actions. A credible analysis of human beings in society must take very seriously the interplay between personal morality and civil society, and between value and action; it must discern individual action that, motivated by selfish instrumentalism, has no civic value from individual action that fulfils personal interest on a practical *and* moral level. In this second case, we must ask whether 'individual oriented' equals 'individualistic'. An empathic grasp gained, in anthropological fashion, through prolonged interactive involvement in the flow of local life points to the vanity of the monist approach to a plurality of values that could be, instead, beneficially addressed—legally and politically. It makes intelligible the complex ways in which people merge social morality and personal choice into actual practices that observably recognize more than the self, thus exposing the fallacy of a reductive view of the relationship between social norms and rational conduct (Lukes 1991; Pardo 1996; Prato 2000).

In my work, I have recognized that an interaction exists between moral and monetary aspects (Parry and Bloch 1989: Chap. 1), that purposive action does not merely obey the 'clean' laws of economic behaviour and that contacts and information are important. However, ethnographic evidence has demanded this conceptual framework to be taken a step further. Eschewing unhelpful (Wilk 1996: 36 ff.) categorical assumptions, I maintain that it would be inexcusably reductive to view local entrepreneurialism in terms of the official dichotomy between the formal and the informal, leading to conceptual oxymorons, like black economy or, even, 'dual economy'. In this ethnography, the formal interacts with the informal, often strongly (Pardo 2018a). For lack of space, I cannot discuss the varied range of local informal activities that are officially illegal but are regarded

¹⁶Fieldwork among local elite groups has strengthened and expanded such a view. This research started in 1991 and is continuing. I have discussed some of my findings in the listed 'domains' and the approach of dominant elite groups (see, e.g. Pardo 2011, 2017).

as legitimate by the actors and their significant others. While I must refer the interested reader to my separate works (e.g. Pardo 1996, 2017, 2018a), here I outline some key considerations.

Aware that moral values are crucial to purposive action (individual, associated or collective), I have recognized that Neapolitan entrepreneurialism is informed by a *strong continuous interaction* (Pardo 1996: 10–12 and 192n) between material (money, possessions, the body itself) and non-material (encompassing the moral and the spiritual, the living and the dead) resources and domains that marks the social, cultural and political make-up of local life. I have insisted that our study of what real people do, why they do it and how they attach legitimacy to what they do, in many cases regardless of the law, must deal with this *interaction* and its ‘moving parts’—meaning the complex interplay of values and interests that underscores their coping with the messiness of life in ways that give satisfaction, as well as producing tangible results that respond to their representations of a good life. Their attitude to society is correspondingly articulated. Within identifiable ethical limits, it meets the principle of ‘heterogeneity of morality’ (Lukes 1991: Chap. 1), as own moral values are legitimated through recognition by the significant others. Thus, it at once bears on and stresses the social significance of personal virtue, for it links the construction of personal well-being to others’ recognition and legitimation, directing it towards society not away from it. Thus, their voluntary action defines the fundamental distinction between individual motivation to betterment and antisocial individualism.

Coming to grips with the empirical significance of this *interaction* brings new light on the relationship between actors’ individual and collective performances and the establishment’s interests and institutions. It helps us to understand an entrepreneurial culture whose economic expressions are embodied by a variety of small-scale businesses—often identifiable as ‘informal’—that produce goods illegally and are fiscally unaccountable, evading tax on the purchase of raw materials and the sale of finished products, as well as employment tax and other welfare state contributions.¹⁷ I have argued the broad significance of these businesses, including the ramified ways in which a proportion of their products finds its way into the legal market and in which formal business interacts with informal business (Pardo 2017).

¹⁷In Italy, fiscal pressure on business is notoriously very heavy (*Il Denaro* 28/09/2013: 6), and it keeps increasing.

The case studies of micro and small businesses (Pardo 2018a) have brought out the complexities of establishing an enterprise, producing and distributing goods, and the relationships between private enterprise, trade unions and public bodies (local and regional administration and EU- and central government-sponsored development programmes). In the experience of my informants, difficulty in accessing credit, a fundamental right of citizenship in Western society (Marshall 1950),¹⁸ combines with interest rates that are considerably higher than in the Centre-North, overpriced banking, arbitrary procedural demands¹⁹ and legal ploys.²⁰ These distortions encourage informal ways to raise capital. Many cope as best as they can. When they cannot buy money officially, they borrow at low or no interest from friends and family (Pardo 2018a). Their economic activities must be understood as expressions of a broader entrepreneurialism that is defined by the culture of *sapé fa* (literally, cleverness). *Sapé fa* basically means pooling *all* personal resources (monetary and non-monetary) in the pursuit of goals and of betterment.

Frustratingly, rulers' long-standing failure to recognize the legitimacy of ordinary people's approach and trust and come to terms with it has emasculated its potential contribution to providing viable answers to the problems of post-industrial society in the South. Relevant to mainstream social theory, this failure has paralleled the progressive erosion of rulers' legitimacy in society. This fundamental fault in the exercise of power raises significant problems that I illustrate in the next two sections (Pardo 2000).

NEW RULERS, SOILED BROOM

The long-standing failure—perhaps unwillingness—of Naples rulers to come to terms with ordinary people's entrepreneurial culture, and the corresponding policies, is at the root of my informants' feeling that they are treated as second-class Italians (Pardo 2011).

¹⁸In earlier works, I have detailed the highly controversial nature of access to credit in South Italy (see, e.g. Pardo 1996: 114–115 and Chap. 2). Atalay's Turkish material (2018, this volume) raises stimulating elements for comparative analysis.

¹⁹In many cases, in order secure a bank loan, *entrepreneurs* must prove ownership of *private property*, the value of which is set against the loan.

²⁰Some bank officials refer unsuccessful applicants to private credit agencies that grant credit easily and at high interest (Pardo 2018a). Entrepreneurs describe the various schemes aimed at addressing this situation as weakly drafted and badly implemented.

In the 1990s and 2000s, the politicians who achieved power in the political vacuum generated by the *tangentopoli* (bribesville) scandals,²¹ set a problematic precedent in the relationship between public powers and ordinary citizens. Extending the stigma of ‘untrustworthiness’ to entrepreneurs who had contracted work with previous administrations, they went to great lengths to avoid paying their legitimate dues. They censured those entrepreneurs on the moral grounds that they supped with the devil (their ‘corrupt predecessors’) using a very short spoon. The reality is different. As testified by the membership of the Creditors’ Association,²² most were just small entrepreneurs who worked hard to make a living. They describe themselves as ‘honest people who fulfilled [their] contract trusting [their] counterpart as a reliable public body’. As Marco, a 58-year-old printer, put it, ‘we were aware of the slow and inscrutable public bureaucracy but no one would have expected the Council to dodge paying their dues’.

What Marco and his peers did not expect is precisely what happened. Embodying a questionable ethics of power (Prato 2018b, this volume), Naples rulers have indefinitely postponed paying their creditors through a combination of strong-arm tactics, soothing language, red tape, bureaucratic buck-passing and legal wrangling that exemplifies the exaggerated significance of bureaucracy to politics in contemporary society (Smith 1987; Beetham 1987; Herzfeld 1992; Pardo 1996: Chap. 6; Prato 2000). Testing the limits of tolerance at the grassroots, they have also lobbied central government to pass ad hoc legislation that effectively makes rulers not responsible for the debts contracted by their predecessors and restricts the definition of punishable abuse of office by transferring a large part of legal responsibility from politicians to committees of non-elected experts.²³ In 1997, the law (Art. 323 of the criminal code) was modified (Law 234/16.07.1997). The

²¹ In the 1990s, judicial enquiries into *tangentopoli* brought down much of the Italian political system. To be precise, seen as politically motivated, they brought down all the political parties that stood between the small and inconsequential neo-fascist party on the Right and the large and powerful Communist party on the Left. These two were the only survivors of the *tangentopoli* scandal. For more on these events and their impact on Italian life, see Pardo 2018b (also Prato 2018b, this volume).

²² This is the *Comitato dei creditori degli enti locali territoriali in dissesto finanziario*; literally, Committee of Creditors of Bankrupt Local Administrations (Montefusco 1997).

²³ Sarfati (2018, this volume) discusses a specular case, where popular protest has influenced legislation that meets citizens’ instances while sanctioning the culpable inadequacy of rulers.

change makes it impossible to prosecute officers who abuse their power but do not cause financial damage to the institution in which they serve. As argued by jurists (Dalia 2000; Miller 2004: 62–65), the EU-inspired Law 300/29.09.2000 has further weakened judicial action against this crime.

Feeling victimized, and often finding themselves in deep financial trouble (and consequently excluded from the market), creditors took legal action through the aforementioned association, to re-establish their right to justice. Especially considering that in the early to mid-1990s the previous legislation on abuse of office had played a pivotal role in the prosecution of politicians throughout *tangentopoli* (see also Prato 2018b, this volume), this new legislation emphasizes the intrinsically contentious character (Weber 1978: Chap. 8) and moral relativism (Fuller 1964; Saltman 1985) of lawyers' law as a coercive apparatus that regulates the partial control of a partial order (Moore 1978; Starr and Collier 1989). It seriously weakens ordinary people's right to a fundamental of citizenship (Marshall 1950; Dahrendorf 1996: 37 ff.; Rees 1996).

Notoriously, while judicial inquiries encourage scandal but often fail to deliver the convictions of accused, many 'new brooms' become involved in abuse of power, bribery and corruption (Pardo 2018b); some avoid jail on technicalities. Today's local rulers have claimed to embody a new style of leadership and to pursue new modes for engaging citizens. In the reality of today's Naples, this picture is far from rosy.

These Neapolitan new brooms achieved power by default. In a country well known for a traditionally high turnout at the polls (80%), at the last local election of June 2016, the turnout was 50.37%. The mayor was elected by 65% of those who voted, accounting for 33% of the total electorate. Over time, these rulers have lost credibility on several critical grounds. Under their watch, urban life has become notable for three, connected, reasons. It is dangerous, heavily polluted and marred by administrative double standards and a 'bread, circus and gallows' approach to rule (Pardo 2017). Shootings, deadly gang fights, muggings and bag snatching are on the increase; most roads are scarred with deep and large potholes that cause accidents; bits of badly maintained public and private buildings keep falling on pedestrians, causing injury and death (*Il Mattino*, 05/06/2017); and many walk-sides are broken or uneven, procuring serious injuries, as reported by local hospitals. In ordinary people's neighbourhoods, as in thoroughfares and squares, filth and rubbish strewn across pavements combine with rats, cockroaches, stray cats and feral packs of dogs to clog an unhealthy public space. Rulers appear to dally in expedient legalism.

Referring to a strange course of events, Giacomo, a 48-year-old doctor, remarked, ‘while in office, the mayor received a 15-month suspended jail sentence for abuse of office and a hefty fine for libel. He was subsequently suspended from office by the judicial authorities. He appealed and is still in office’.²⁴ A trade unionist also remarked, ‘the deputy mayor received a 1-year suspended jail sentence for having assaulted a policewoman. He did not resign. He was not fired. He is still in office. Very few can afford clever, expensive lawyers’.

Local commentators complain that local rulers run an inefficient (Trovati 2017), heavily indebted administration.²⁵ Meeting an approach successfully practised by their predecessors, their governance appears mired in ruling by selective interests (Lukes 1977: Chap. 10, 1991), as it caters to the demands of friendly groups and lobbies. They preside, we know, over a troubled urban life that appears to be infected by what Paolo, a lab technician in his 30s, resents as ‘double-standards in the exercise of power’. Paolo’s view resonates throughout my field notes. For example, when discussing double standards, local traders explicitly resent a situation aptly described by Maurizio, a shop-keeper. He said, ‘Many Neapolitans used to trade illegally but today most illegal trading is done by immigrants. The problem’, he added, ‘is that it is left largely unpunished, while the small infractions of local legal stall- and shop-keepers like me are crushed under the full weight of every available rule and regulation’. His remarks are particularly significant considering that in Naples, licensed street trading is an entrepreneurial activity that allows many informants to make a living (Pardo 1996: Chap. 2). Stimulated by Maurizio’s remarks, I found that licensed traders operating stalls in the city’s large markets are repeatedly fined for using more public space than is allowed by their permits,

²⁴ Before becoming a full-time politician, this man was a controversial public prosecutor (Chiocci and Di Meo 2013). In 2014 he was convicted for abuse of office as a judge and disqualified from public office (*La Stampa*, <http://www.lastampa.it/2014/09/24/italia/why-not-de-magistris-condannato-h1fUqhOhG3IAahKF0pnLQJ/pagina.html>). He later managed to be reinstated on a technicality (*Huffington Post*, https://www.huffingtonpost.it/2015/06/25/de-magistris-accolto-rico_n_7661168.html?utm_hp_ref=it-de-magistris-condannato). Then, as the appeal sentence was dismissed by the high court, a new trial under civil law was ordered (*Il Tempo*, <http://www.iltempo.it/politica/2016/09/24/news/genchi-e-de-magistris-assoluzione-annullata-1021507/>)

²⁵ Municipal finances and patrimonial resources are said to be heavily mismanaged (Corte dei Conti 2017; Pollice 2018). As was recently reported (Macry 2018a; see also Grassi 2015 and Corte dei Conti 2017), since 2011, the municipal deficit has doubled, from 800 *million* to 1.7 *billion* Euros.

while hundreds of unlicensed immigrant peddlers literally clog pedestrian areas throughout the city.²⁶

Maurizio and his fellow Neapolitans do not resent similar others, ‘regardless of the colour of their skin’ but, in Maurizio’s own words, they do resent their ‘rulers, as architects and implementers of this situation’. Underscoring key problems engendered by what informants from all walks of life have described to me as ‘huge and uncontrolled immigration’,²⁷ Gino, a young man who has been fined for exceeding his allotted space is, ‘sorely aware that unlicensed illegal immigrants can sell what they want where they want, including my rubbish’. Gino, who, like Maurizio, describes himself as ‘no convert to racism—just a harassed citizen angry as hell’, was referring to the growing number of immigrants selling objects scavenged from rubbish dumps.²⁸ Naples residents deposit their rubbish bags in dumpsters placed by the walk-side. Immigrants are regularly seen extracting from these dumpsters shoes, clothes and other objects, which they proceed to display and sell from rugs thrown on the pavement. Traders and their associations have lodged detailed complains, culminating in a formal document recently signed by 200 locals who trade in a central neighbourhood.²⁹ Voicing their concerns to me, one of them said, ‘since these people started doing this, sales have dropped by 50% because the street is always dirty and unhealthy’. I find it interesting that the local administration should decree that anyone caught rummaging in dumpsters would be fined € 500.00 on the spot,³⁰ and that, when issued, these fines are left unpaid.

²⁶For more ethnographic details on this aspect of the local economy, see Pardo (2018). Here I note briefly that, widespread across the world, street vending is certainly not a marginal economic activity. Its significance and, in some cases, international reach, is recognized in the literature (Pardo 1996, 2009; Da Silva 2013; Graaff and Ha eds 2015).

²⁷*Officially* (Comune di Napoli 2014 and 2015), in 2015 there were 48,565 foreign residents in Naples, accounting for 5% of the population (Sri Lankans, 25.4%; Ukrainians, 16.9%; Africans, 11.4%; Chinese, 10.2%). Based on their experience of the on-the-ground situation, local people describe this figure as ‘unrepresentative of the reality’, as ‘incredibly low’.

²⁸For a visual testimony, see http://www.youreporter.it/video_Napoli_1_eterno_mercato_dei_rifiuti_non_conosce_sosta also: <https://www.blitzquotidiano.it/video/napoli-risra-residenti-e-immigrati-che-vendono-oggetti-recuperati-da-spazzatura-video-2030986/>

²⁹*Il Mattino*, 12 June 2018: http://ilmattino.it/napoli/citta/napoli_corso_garibaldi_petizione_duecento_commercianti-3793003.html. On neighbourhood dynamics, see Pardo (1996) and, in this volume, Abraham (2018), Boucher (2018) and Krase and Krase (2018).

³⁰See *NapoliTime*, 28/11/2014, <http://www.napolitime.it/59631-mercato-abusivo-dei-rifiuti-napoli-il-sindaco-ferma-questa-pratica.html>

Intense feelings are aroused. Giovanna, a middle-aged resident, matched eye-catching headlines in the local and national press when she said ‘every day bands of African immigrants do battle with broken bottles and knives in the street just outside my building. Why are these people here?’ Her eyes filled with tears as she went on to say, “‘Whore!’ has been repeatedly shouted at me and my daughters. At *us!* And why? Because we don’t cover our bodies head to foot. Last week, my older daughter was physically harassed by one of those people. She reported him to the police. Nothing has happened yet; he still sells ethnic clothes at the street corner. Every day, I grow more afraid for me, for my family. Who is supposed to protect us?’ The answer obviously lies in the question.

Giovanna’s neighbour Claudio, a 41-year-old accountant comments on this situation saying, ‘it isn’t just that immigrants sell rubbish, peddle drugs and assault each other; they harass residents. When the police show up, they get assaulted and sent to hospital’. A student who leads the local residents’ protest discussed this situation with me. He remarked, ‘I am disgusted by the irresponsibility, hypocrisy and racism of our high-born rulers and their cohorts. Cocooned in a life of privilege, they wash their pontificate on “human solidarity” and “hospitality” while enjoying their posh and secure neighbourhoods and simply abandoning hundreds of poor immigrants who end up dwelling where the less privileged live, turning those areas into ghettos’.

As these problems persist in large areas that have been dubbed by residents as ‘*terra di nessuno*’ (no man’s land), the individual and collective protests have evolved into a semi-permanent vigilantism. Bringing to mind comparatively similar cases of the establishment’s failed control of undesirable behaviour (Abrahams 2000), this new development increasingly threatens to enjoy legitimacy at the grassroots.

Recently (Pardo 2018a), I have discussed how the double-standards approach to autochthonous people and immigrants not only harms good relations between immigrant and native entrepreneurs but has turned ordinary Neapolitans’ traditional tolerance of diversity into an uneasy kind of toleration that, in some cases, has turned into resentment of non-native urban dwellers and violent action.³¹ Clearly, the integration or failed integration of many immigrants must be read in the context of the failed full integration of native Neapolitans and of the attendant misapplication of the law.

³¹Prato (2009) has developed a fine comparative discussion of the critical distinction between tolerance and toleration, of the dynamics that make the former turn into the latter and of the attendant conceptual, social and political implications and responsibilities.

While it may not be surprising that my informants should feel beleaguered in the difficult urban context that I have described, it is interesting that governance should attempt to ‘engage’ them through the aforementioned ‘bread, circus and gallows’ approach. Efforts are systematically made to hide entrenched administrative failures under the noise of pop entertainment and symbolic politicking of little or no practical value, like shouting support for ‘revolutionary causes’. These ‘new-style leaders’ are seen to meet a general pattern of personalization of politics through bombastic rhetoric, as they condone or support the action—often violent—of the fringe interest groups that account for much of their constituency and make legal but—in the eye of my informants—illegitimate use of public office and resources. Antonio Polito (2018), the deputy editor of a centre-left newspaper, describes how these malcontents ‘have become his [the mayor’s] party’ and ‘his militant guardians’. They, he adds, operate in the name and on behalf of the mayor, often engaging in violent clashes with the police.³² In this political (and in some ways legal) chaos, Polito and other commentators note, Naples councillors in power, have recently led protest marches to block the visit of a prime minister and several leading politicians whom they do not like. Macry, a local leftist intellectual (2018b), point out that the season of violent demonstrations geared up in 2017, when the mayor proclaimed that the leader of a party committed to expelling illegal immigrants from the country must not speak in Naples. Macry goes on to remind us of the furious urban guerrilla that ensued, as iron-bar-armed demonstrators, their faces covered, threw Molotov cocktails, stones and other missiles at the police, badly injuring 30 policemen. Similar actions continue to take place.

As part of the ‘bread’ part of rulers’ politicking, public money is allocated—legally—to friendly interest groups. Taking the double-standard approach to a new level, their ‘new politics’ legalizes radical groups’ illegal occupation of public buildings, many of which are of historical value (Fazzo 2017); it does so through rulings that powerfully demonstrate the earlier point on the moral relativism of law. The Asilo Filangieri ‘affair’ is exemplary. This historical building was restored at public expense to be used as a venue for cultural events but was soon illegally occupied by radical groups. As in the case of several similar buildings, these groups were

³² These illegal actions contrast sharply with the kind of lawful protests that widely enjoy legitimacy at the grassroots described in this volume by Boucher, Krase and Krase, Prato and Sarfati and with the legal collective action that I have described earlier (see, e.g. n. 22).

later turned into legal occupants through ad hoc Municipal Decrees (of 25/05/2012, 29/12/2015 and 01/06/2016); now local rulers are under investigation for abuse of office and damage to the public purse (Di Meo 2016; Postiglione 2017). There is more.

In spite of the city's obvious need of structural improvement, large funds from central government, and recently also from the EU, have been squandered. Among the many examples, two exemplify this aspect of bad governance. First, EU funding meant to contribute to the development of an 'integrated urban transport system' has been used to establish throughout the city cycling lanes consisting in white lines and cycle symbols painted on pavements, walk-sides and other pedestrian areas, where the very few cyclists who use them now have precedence over pedestrians. Meanwhile, the inefficient urban transport system is close to collapse and redundancies multiply among the workforce.³³ Second, funds for the restoration and maintenance of the many historical buildings and other parts of the urban centre have been misspent or have never been allocated for lack of credible projects. As only one-third of the work started on paper is truly being done over an inordinately large amount of time, the 'protagonists' of the whole project are under judicial investigation on suspicion of corruption.

This style of governance fuels clientelism, too. Christian-Democrat-style clientelistic tactics of the past were perfected in the 1990s and 2000s by local administrators who claimed a monopoly on honesty while nurturing clienteles (Della Corte 2007; Di Feo 2008). That problematic relationship between ideology, policy, civil society and the law underscored an unfortunate time for Naples' inhabitants, culminating in the infamous rubbish crisis and the consequent pulmonary and infective diseases and deaths (Pardo 2011). This new version of clientelism relies (some say, mainly) on the purchased (with money or by other means) loyalty of networked groups (Pardo 2012). A larger number of 'experts' and intellectuals than ever before have benefited from lucrative 'consultancies'³⁴ that are pointless (Della Corte 2007: 39–53 and 14–47) or inexistent but highly paid (Demarco 2007: 210). Select businessmen and women have been granted privileged access to public contracts in various sectors, from public

³³ See Grassi (2015) and current reports in the local press. As a leading Leftist politician recently remarked, 'in 1997 there were 800 buses, now there are 300, they are 17 years old, are often out of action or break down while in service'.

³⁴ For example, the cost of consultancies on urban waste (Pardo 2011) amount to almost 9 million euro.

construction to the health service, from public transport to mismanagement of public property (Della Corte 2007; Demarco 2007). At lower levels, unemployed people (some are ex-convicts on rehabilitation programmes) are hired by the local administration to do ‘socially useful’ work but, as they have admitted to me, do not actually work.³⁵ At the same time, benefiting from normative casuistry, administrative blindness and repeated changes in the law, prominent bureaucrats exemplify a point robustly made by Prato (2000), for they have become de facto politicians, of low moral standing (Weber 1974: 95), while the minority among them ‘who maintain a moral standing of “impartiality” are treated as “irresponsible politicians”’(Prato 2000: 79).

When questioned, my local friends across society express their indignation about actions that are *made* legal by new legislation but which they resent as morally illegitimate. They resent as both despicable and problematic such interfering with the law and its production, such distortion of the difficult relationship between legal responsibility and moral and political responsibility. There is still more.

LEGITIMACY, MORALITY AND THE LAW: AN UNEASY RELATIONSHIP

Underlying a difficult relationship between morality and the law (Pardo 2004), today, as throughout the past 30 years, a legal style of local governance meets the interests of select groups linked to who is in power. We have seen that this at once engenders and thrives on a blurring of the dividing line between what is legal and legitimate and what is legal and not legitimate in public life (Pardo 2018b); particularly, as actions that are conveniently made to be legal through ad hoc municipal decrees and legislation deeply affect local life. Local business is not helped by rulers’ historically consolidated tactics of granting public contracts to ‘trusted’ companies of the Centre-North (Prato 2018a: 87) which, then, regularly proceed to subcontract the actual work to local firms (Pardo 2018a). As I have indicated, in many cases the predicament of local micro- and small business finds some solution in the culture of *sapé fa*, which translates into dynamics of *strong continuous interaction* that challenge political clientelism (mostly,

³⁵There are many examples of this kind of clientelism, for which local rulers have been convicted (see, Della Corte 2007: Chap. 4; Demarco 2007: 194–97; *L’Ora Vesuviana* 28/2/2013). It continues to plague local administration.

exchange of favours for votes, favours or money). People say, *Chi ten' sant' va 'mparavis'* (Contacts with saints get you to heaven) but they also say, *Ajutat' ca Dio t'ajut'* (God help those who help themselves), *Nun voglio sta' suggett' a nisciun'* (I don't want to be subject to anyone) and *Chi pecora s' fa 'o lupo s'a magna* (If you behave like a sheep, you'll become a wolf's meal). Raising key issues of trust, these principles mark their management of crises, their pursuit of goals and their relations with what they call *piezz' 'ruoss'* (big shots). These economic activities may not always be strictly legal, and they may not always agree with the 'laws' of market capitalism, but not for this should they be misread as evidence of marginality—economic, cultural, political and moral. On the contrary, far from being caught in a culture of short-term moves and immediate goals, even people with a disadvantaged background are actively engaged in negotiating the redefinition of their lives and of their place in society, which is best understood in the context of an intricate relationship between short-term and medium- to long-term exchanges. Equally important, pointing to a classical theme in economic anthropology (Smith 1989: 309 ff.), informants recognize that operating informally (therefore, strictly illegally) is costly, monetarily (the need to bribe officials was recurrently cited as a considerable drawback), morally and in time and worry.

In a democracy, trust between citizens and their rulers is critical. My friends among the *popolino* know that they are typecast as untrustworthy mob.³⁶ This is done from a perspective that castigates participation aimed at safeguarding individual interest as a challenge to 'society' and a danger for democracy. This perspective is theoretically discredited (Lukes 1977: Chap. 2) and empirically unsound. As their empirical study shows, they exercise in their own way their membership of society, and they distrust (and defy) élites who may be nominally diverse but find common ground in attempting to superimpose formalization and bureaucratization. Classically, it is argued (Eder 1993) that purposive collective action depends, among other things, on systematized behaviour and the dilution of individual agency into collective actions, and transactions entrusted to movement representatives. My informants are suspicious of superimposed organization, which they traditionally call '*ntruppamient'*'—meaning forced commonality. They share the experience that when they let parties or trade unions organize their action, they end up with those hierarchies telling

³⁶Of course, they read newspapers and magazines, watch television, listen to the radio and go to the movies.

them what to fight for and when and how to do so (Pardo 1996: Chap. 6). Vincenzo, a council manual worker in his 40s who also runs a stall in his wife's name, typifies the mixture of tolerance and disenchantment expressed by many formally employed peers when he says, 'If you try to discuss, they overwhelm you with obscure language, and if you insist they call you a provocateur. You simply can't win with those people, can't you?'

We could go along with the view that their collective actions, random outbursts to the untrained—or biased—eye, undermine the noble task of 'enlightened politicians'. Or we could recognize that ordinary Neapolitans understand that 'the system' is not an impersonal entity but is made up of individuals who do not enjoy unchallengeable power, that this urban situation is not made of strong and weak caught in polarized relations of dominance and submission, and that it is made, instead, of negotiated choices that, socially oriented in their nature, are seen, from 'below', as voluntary expressions of the self. I stand by the argument (Pardo 1996: Chap. 7) that, notwithstanding obvious restrictions, over time the cumulative results of individuals' actions aimed at constructing and maintaining their and their families' well-being do affect perceptibly the uneven process of redefinition of the agency/structure relationship.

CONCLUDING REFLECTIONS

My informants across Naples' society crave having their city restored to responsible rule. They, including, sadly, the young, have lost hope to see this happen in their lifetime.

The anthropological analysis of the crippled relation of power to authority, responsibility and trust in Naples makes for grim reading as it illustrates significant degenerations of the 'power to command' (Weber 1978: 946 ff.). Rulers' failure to address constructively ordinary people's instances parallels their failure to exercise legitimate governance, to exercise the power to rule responsibly. Their ethnography brings out an intolerance of the individual's (contested) moral autonomy and actions that do not break the law but are received as unfair and corrupt at the grassroots. It documents their failure to engage with the instances of citizenship, while pandering to select lobbies and their clients at the expense of the rest of the population. It spells out the chasm that separates them from most citizens as it brings out the practical ramifications of power that lacks authority because the attendant actions fail to earn legitimacy in society. We have examined actions at the grassroots that stimulate a radical reinterpretation of ordinary people's

approach, as opposed to elitist visions. We have encountered a style of citizenship that transcends reification of either society or the individual and in doing so actively contributes to the common good. We have seen that those in power seem less interested in recognizing this empirical reality than in dodging the political responsibility of adopting a truly pluralist approach to governance. In Naples, as across Europe, this fundamental omission in moral and political responsibility has serious consequences as it finds its way into law.

Over the years, I have argued that power—not authority, even less trust—may be astutely won but weakens, and is lost, when these élites fail to link to ordinary people. They may appease them while trying to educate them to their values and vision. They may choose to be coercive or persuasive. As they do in Naples, they may opt for a ‘bread, circus and gallows’ approach, while attempting to superimpose their views and interests. In each case, responsibility, legitimacy and trust are inevitable casualties. Sobering intellectual reasons aside, local and international events raise serious doubt on the wisdom of persisting in this obnoxious exercise of power, increasingly recognized as such by ‘the people’. A credible alternative must arise for this impasse to end and bad governance be voted out of power.

The Naples ethnography exemplifies the dark tunnel in which Western democracies appear to be stuck. We have studied how local governance has lost legitimacy, and have identified the theoretical challenges raised by the attendant conundrum that harasses life here, as indeed elsewhere in the West. Coming out of this quagmire demands building up a responsible management of power that fully accounts for the significance of *strong continuous interaction* in ordinary people’s morality and actions. This I see as the way forward, and it is crucial for two important reasons. First, because rulers’ informed recognition, in policy and legislation, of the structural value of citizens’ instances engenders in the broader society the indispensable recognition of the legitimacy of the power to rule. Second, because it qualifies both participation and representation, two fundamentals in the democratic contract. Meanwhile, as the gulf between the ruling élite and the rest widens, for Naples the tunnel darkens.

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Legitimizing Poverty: The Minimum Guaranteed Income Pilot Case

Manos Spyridakis

INTRODUCTION

Words like social rupture, downward social mobility, deprivation, poverty, inequality and crisis are currently very much high on the research and theoretical agenda of the social sciences and anthropology especially (Armano et al. 2017). And how couldn't they be, since after the 'golden era' of welfare capitalism, contemporary Western societies experience a steady tendency related to the transition from a supposed 'formerly affluent' society to a qualitatively different one, where the dominant characteristic is the increasing insecurity and employment deprivation. No matter how one names this uneasy period, the fact is that it induces changes in the social world of work, in the social welfare state and, of course, in related policies—often these changes take place in brutal and violent ways, as the current European recession shows. In this context, as the notion of full employment seems to be gradually becoming a past luxury, the new guises under which employment emerges take an inevitable form for a considerable part

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban
Anthropology, https://doi.org/10.1007/978-3-319-96238-2_4

of the existing economically active workforce, who is being forced to live on the edge of poverty and social exclusion.

One of the official reactions to the conditions dictated by the political apparatus of the European Union (EU) takes the form of subsidising policies intended to alleviate both the risk and the pain of the socio-economic crisis. With different historical and political origins, in general, these EU policies, like the Minimum Guaranteed Income (MGI),¹ encapsulate a specific morality and ethos justified by an aura of inevitable evil and philanthropic solidarity that imply a desperate effort to restore the eroded legitimacy of the institution which issues them. This points straight to the hot issue of the ‘relationship between socially diversified morals of legitimacy and the difficulty in linking legal and political responsibility to trust and authority in the exercise of power’ (Pardo 2000: 1; 2018, this volume). Depending on the policy goals, this relationship becomes a significant anthropological concern as people who end up as ‘beneficiaries’ in the policy spectrum define their situation on the basis of their own motivational requirements and ideas of order. Therefore, referring to the legitimacy of programmes of this kind, I address, on the one hand, the extent to which these programmes are perceived as legitimate by their creators and, on the other, how ‘beneficiaries’ experience such a ‘legitimacy’. One cannot but plausibly support the view that welfare programmes like the MGI. bring out the issue of the exercise of power without trust and responsibility (Pardo 2000: 7), as they are imposed as a forced monodimensional convention. Significantly, the empirical reality of this imposition reveals the way in which governance is experienced by different groups of individuals reflecting the mechanisms that create different ‘categories’ of citizens (Pardo and Prato 2011: 18).

THE POLITICAL CONTEXT

Seen in the light that I have outlined, the present research on MGI is strongly linked to the way the living conditions of the agents affect the experience of their current status of precariousness, as they are being gradually detached from a way of life characterised by relative material stability and move into a realm of generalised uncertainty, lower living standards, risky working conditions and insecure casual jobs (Atalay 2018, this volume). This is taking place in the Greek version of post-Keynesian social

¹I would like to thank A. Kotsalos, MA, for his significant contribution to this research.

policy framework, where social protection is under constant fire, state spending as a toolkit for job creation is severely limited, full-time employment is substituted by low-paid and dead-end jobs, informal labour relations tend to thrive and activation rhetoric prevails, obscuring the absolute freedom of employers to hire and fire at will against the background of a permanent and still ongoing economic recession. In this context, the MGI has been implemented, initially in a pilot form, on the basis of the third Memorandum between Greece and the International Monetary Fund (IMF), European Community (EC) and European Central Bank (ECB) and lately the European Stability Mechanism (ESM) which took the form of imposed economic austerity, internal devaluation and reductions in public deficits and spending in exchange of financial support from them. Thus, an already problematic economy became worse (Dimoulas 2018).

These oppressive conditions led to a series of deregulations in the Greek labour market involving significant wage cuts, the introduction of lower minimum income scales, the facilitation of layoffs by reducing compensation payments and the relaxation of the rules requiring employers to justify their actions when making staff redundant (Kretsos 2014). However, the most serious and permanent effect was the decline of people's living standards in material and social terms and the increase of inequality. Indicatively, according to the data provided by the Greek Statistics Authority based on the Statistics on Income and Living Conditions (SILC) sample survey for the year 2015, the number of people on the edge of social exclusion has increased since 2010, reaching 35.6% of the population, that is, 3,789,300 individuals. The households on the edge of poverty are estimated at 832,065 from a total of 4,168,784. At the same time, the data show that the deprivation of basic goods and services does not only concern the indigent but also a significant part of the well-to-do population. Especially, they show that, since 2009, material deprivation related to crucial aspects of life—such as food, heating, basic goods, purchasing by instalments, access to loans and bills payments—has been increasing steadily, widening the gap between the rich and the poor. According to the Gini coefficient, in 2015, the income of the richest 20% of the population was 6.6 times higher than that of the poorest 20%. Moreover, according to ECB, Greece currently has the highest real unemployment rate, (31.3%), among the EU-27 (<http://www.kathimerini.gr>).

This situation should be read in the context of the uneasy relationship between top political decision-making and those affected by it and the gradual revision and rearrangement of both social rights and citizenship.

As I have argued elsewhere (Spyridakis 2011), it is important to take into account that citizenship currently takes place in a context in which people are constantly witnessing structural transformations in the power and the nature of the welfare state in the Western world. This is a process affecting national public policies which aim at implementing and reproducing particular ideological visions of the world. As far as employment is concerned, the relation of labour to capital reproduces existing inequalities (Storper 2000) and prevents working people from acting collectively in order to claim fundamental rights. Employment policies enhance a kind of neo-Darwinian individualistic economic frame of action. They force citizens to cope with the issue of their social reproduction by becoming employed in the low-paid sector of the economy where the ‘fittest will survive’ (Durrenberger 2017). According to Comaroff and Comaroff, this predicament originates in a worldwide process of deterritorialisation and transnationalisation of production which:

1. Undermines the capacity of states to sustain economies rendering obsolete the old system of negotiating wage and employment conditions.
2. Subverts domestic production encouraging the cutting of labour costs via the casualisation, outsourcing and the hiring of cheap labour.
3. Widens the gap between well-off and poor regions.
4. Compels workers to compete with little protection against the most exploitative labour conditions (Comaroff and Comaroff 2000: 302).

In a similar line, Kapferer stresses that, ‘the corporate state and the emergence of corporations with state-like effects was developed in the context of nation-states, but through breaking free of state constraints or coming into control of state apparatuses new exploitative possibilities are opened. The corporate apotheosis is already indicating effects reflecting in growing poverty, failures in public facilities and an increased sense of insecurity-dimensions of Beck’s risk society’ (Kapferer 2005: 293). Statist institutional authority, I note, is objectively losing power and is caught in a contradictory situation. On the one hand, it must sustain and protect the logic of the market upon which it depends and, on the other hand, it must show that it safeguards democracy by defending the principles of equality and participation in the democratic process. The Greek State currently seems unable to keep a successful balance

between these two extremes. This reminds us of Bailey's argument that 'the inability of the State to overcome this dilemmatic choice between incorporation/inclusion and control/exclusion results in what can be termed the crisis of governmentality, meaning the inability of the representative-democratic state to secure the conditions required for its successful operation' (Bailey 2006: 20). From this point of view, the decisions imposed by the bureaucratic apparatus treat social actors as rational subjects coping with problems through the application of impersonal economic principles. This is a form of social regulation, 'whereby persons and entities are governed at a distance, by calculable agencies that rate, rank, divide them up, and recombine them' (Fourcade 2007: 1026). These policy regulations not only impose hierarchically determined structures in a seemingly neutral way but also as Shore and Wright put it, 'influence people's indigenous forms of conduct so that they themselves contribute, not necessarily consciously, to a government's model of social order' (1997: 6).

I would point out that the notion of governance refers to the way political decisions are rationally implemented in order to shape, correct, control and transform agents' social and cultural behaviour. Such rationality, however, is not a one-way process. Of course, political decisions have important effects on peoples' lives, but this does not necessarily mean that they will be accepted uncritically or unconditionally across society. One thing, I suggest, is the political power's drive to establish dominance through bureaucratic and administrative technology, quite another is the way in which people experience in practice their citizenship and the way in which the political power attempts to affect it. In anthropological terms, it is challenging to question not only the legitimacy of power structures such as governmental regulations and public policies but also the way those involved in such a process conceive and use them. Policy is becoming a process of growing importance in relation to the exercise of power and the governing of almost every dimension of everyday life for as Wedel, Shore, Feldman and Lathrop claim, 'it imposes an ideal type of what a "normal" citizen should be. Individuals of a population must contend with, measure up to, subvert, manipulate, or simply internalize these ideal types as part of their own identity' (2005: 38). Here I draw on an ethnographic account of agents' relation to powerful institutions to explore the extent to which they feel secure in social, material and moral terms when they experience impersonal rules and regulations in their private and public life.

THE MINIMUM GUARANTEED INCOME

Due to the failure of providing a basic income for all their citizens, European countries began to favour programmes of MGI in order to cope with poverty. In recent decades, similar policies have encouraged indigent citizens to actively participate in society as well as the labour market. However, there are significant differences between European social systems regarding the application of MGI policies, which can refer to the actual amounts offered, the variance of claimable benefits and their terms of accessibility. Furthermore, two relevant terms have to be defined, namely the Basic Guaranteed Income as well as the MGI.

The Basic Guaranteed Income can be conceived as a governmental guarantee that all citizens of a particular state are entitled to an income of subsistence, which is granted to all members of their society throughout their lifetime. It is a fundamental part of social policy, deriving from the right of citizenship itself. Basic income corresponds to four characteristics:

- It concerns individuals and not households.
- It is unconditional.
- It does not necessitate any other form of work or will to accept work, even when it becomes available.
- It is practically sufficient to safeguard a decent life.

Policies concerning the MGI mostly relate to *Basic* Guaranteed Income policies. The latter has set out the nature of social intervention against poverty. Moreover, the reduction of inequalities and social exclusion constitutes a ‘last safety net’, so that individuals will not feel degraded by the financial limitations of a minimum standard of living. To that end, benefits are granted by the welfare state to individuals and/or their families who cannot secure a minimum self-sufficient income.

Although there are different national policies in every member-state of the EU-15 on the matter, common practices of MGI programmes include cross-checking the beneficiaries’ actual income and ensuring their presence in the job-seeking market—at least for the able-bodied. The application of MGI programmes generally provides that the financial benefits granted to a particular household are exclusively payable to members with national citizenship (within the family or the household) and that the

programmes are administratively decentralised and function on a regional level with the increasing participation of local authorities.

According to Pena Casas (2006: 17–18), the MGI programmes in Europe bear the following characteristics:

1. They are guaranteed and non-participatory; they are granted on an overall scale and not according to citizens' contributions to social protection insurance systems.
2. They constitute a 'minimum' income, functioning as a social security net and relating to national and local perceptions of minimum living standards.
3. They are the manifestation of a subjective as well as non-discretionary right to social security which is not automatically granted and needs to be applied for, while the amount of benefit claimable is defined by law or by administrative rules based on equality.
4. An amount of money is granted to beneficiaries according to their income which does not exceed a pre-defined standard threshold.

The majority of MGI European programmes prioritise the rehabilitation of their beneficiaries on the social and employment field. In order to facilitate coping with poverty and social exclusion for the beneficiaries, the State applies a balanced mixture of rehabilitation policies with an emphasis on those who are unemployed or are involved in non-standard or precarious jobs. In the majority of the member-states, the right to MGI benefits is dependent on a minimum commitment to employment.

Registration in jobseekers' centres is mandatory in most of the member-states. As a rule, each welfare beneficiary should either be actively looking for employment or at least be available for it. All member-states focus on income acquisition through a work contract. In case the search for employment fails, most member-states have provisions for an 'alternative route', mainly through vocational training programmes.

Apart from vocational training, some member-states apply other methods geared to the support of beneficiaries. In Germany, in particular, local authorities offer advice on debt management or psychological support and counselling against substance addiction. Some countries have also taken a step further towards the motivation of 'potential beneficiaries' introducing additional prerequisites:

- Norway: Labour and Welfare Administration retains the discretion to apply certain preconditions for the granting of social and financial benefits, such as municipal work.
- Romania: social benefit inclusion requires one family member to be employed by local authorities.
- Bulgaria: unemployed individuals are expected to participate in municipal social service programmes, in order to be granted their monthly social welfare benefit.
- Belgium: the Public Centre for Social Welfare (PCSA) can offer vocational training or refer applicants to third parties (employers of the private sector) with the social benefit contributing to their salary.

Almost all member-states ratify sanctions against an ‘unwilling stance to work’ (e.g., by withholding vocational training or the withdrawal of benefit following any failure to take up a job offer).

POVERTY IN GREECE

According to the research on the income and living standards of Greek households, 2.5 million people were found to be under the financial threshold of estimated poverty, by the standard of median household income (less than 60% of the median income). Moreover, 3.8 million people ran the risk of poverty due to material deprivation and unemployment. According to Eurostat, Greece occupies the worst position in ratings for poverty risk. Greece is also among the countries with the highest percentages of poverty (23%) preceding Spain, Romania and Bulgaria. It also occupies the fourth worst position regarding the poverty chasm rating, following Spain, Romania and Bulgaria. Moreover, according to Organisation for Economic Co-operation and Development (OECD) research, Greece occupies the fourth worst position among 35 countries in the welfare and quality of life index—even lower than Turkey. Another important aspect of poverty is child poverty (26.5% in 2012) (OECD 2013).

Since 2008 (when the recession broke out) and until 2012, the biggest increase in the risk of poverty or social exclusion (*APORE*) index²

² APORE index (people-at-risk-of-poverty-or-social-exclusion) is defined as the percentage of population that is included in at least one of the following categories: (1) poverty risk, namely below the limit, (2) deprivation of important material goods and (3) households with an extremely low employment intensity ([http://ec.europa.eu/eurostat/statisticsexplained/index.php/Glossary:At_risk_of_poverty_or_social_exclusion_\(APORE\)](http://ec.europa.eu/eurostat/statisticsexplained/index.php/Glossary:At_risk_of_poverty_or_social_exclusion_(APORE)))

(according to EUROSTAT) took place in Greece, from 28.1% to 34.6%, and in Ireland, from 23.7% to 30.0%. In particular, as far as sustenance is concerned, the percentage of population who do not have the chance of *consuming meat, poultry or fish (or equivalent food) every other day* has increased steadily—88.4% (from 83.2% in 2011) of the indigent population are hardly able to meet ordinary needs (55.5% have great difficulty, 32.9% have some difficulty). Among those needs is the acquisition of household cleaning and personal hygiene products. However, most significantly, there was a dramatic increase in the population's ability to cope with unscheduled economic burdens, 28.2% of it in 2010, a figure which rose up to 34.4% throughout 2011 and up to 40.5% in 2012 (Greek Parliament 2014).

Children had been the age group running the highest poverty and social exclusion risk in 2011 and 2012. Of them, those who grow up under the conditions of poverty and social exclusion are less likely to succeed at school, be healthy and fully exploit their potential. Under such circumstances, the chances are that those children will remain unemployed, indigent and socially excluded as adults. In 2011, 27.3% of the children (ages 0–17 years old) in the EU-28 were right on the poverty line, while the respective figure for adults (ages 18–64 years old) rose up to 24.5% and the elderly (65 years old or more) up to 20.4%. Percentages for the year 2012 were 28.1%, 25.4% and 19.3%, respectively. In 2012, Greece had the highest poverty rates among the surveyed countries, the EU-28 and the EU-15. Dependent children of single-parent families run the highest risk of poverty (34.1% in 2012 within EU-28) in comparison with dependent children in all other household categories. Greece in particular is the country where dependent children face the highest risk of poverty. It is important to note that between 2010 and 2012 the percentage of single-parent families on or below the poverty line doubled (from 33.4% in 2010 to 66% in 2012) (Vilaplana 2013).

Dealing with the social condition of poverty until recently focused on a social policy model that entailed granting benefits to particular social strata regardless of their income. The latter phenomenon resulted in some social groups being overprotected, while others, who needed perhaps more assistance, were excluded from the provisions of social policy. Restructuring the social policy system is urgent and requires improvement both in terms of its effectiveness (namely its actual influence on the poverty level) and in terms of its efficiency (namely the reduction of extreme

poverty with the least possible cost). The OECD report (2013) mentions that there is an unbalanced distribution of social protection across the whole range of typical risks.

Before the economic recession, the main measures taken towards poverty relief in Greece were mostly centred on the granting of benefits to low-income households. The most essential of these benefits is the regular unemployment benefit granted under strict preconditions, with the result being a very low percentage of unemployed people benefiting from it. In 2001, a long-term benefit was introduced and served as complementary to the standard unemployment benefit: € 200 per month (and it was of annual duration). Greece generates high pension costs and extensive poverty percentages among the elderly simultaneously. There is a special pension that is granted to all uninsured elderly people by the Organisation of Agricultural Insurances funded by the national budget and providing its beneficiaries with a low MGI. Furthermore, disability benefits were one of the measures taken against poverty and often ended up in the hands of impostors: a phenomenon that has been attributed to the distorted examination system (Greek Parliament 2014). Yet, from 2010 onwards, on account of the three, so far, memoranda between the Greek State and the so-called Institutions (the ‘polished’ term for creditors), these measures, following neoliberally inspired austerity policies, became tighter, at the expense of public spending, which decreased by 30% overall, for the protection of the most vulnerable (Dimoulas 2018).

Very briefly put, the social policy system has historically failed to fulfil its goals. The main characteristic of social benefits in Greece is their over-fragmentation into particular and splintered categories which protect some population groups and cast others aside (exclusivity of social protection). Adding more adversity to this context, there were some recent delays in granting certain benefits (e.g., family benefits). Lump-sum contributions, such as the social solidarity benefits, did not add up to poverty mitigation and that was due to strict selection criteria that stretched the ‘gaps’ in the social safety net.

FACING POVERTY?

The Social Solidarity Income is a brand-new beneficiary programme addressing to households facing extreme poverty and functions complementarily to established policies against poverty and social exclusion. The programme can incorporate:

- Income aid: equal to the amount needed to benefit the recipient unit.
- Supplementary social services, benefits and goods: taking into account the co-relation of the members of the recipient unit, in proportion to their needs, offering additional social services, benefits and goods. I am selectively referring to the following examples:
 - Free medical and pharmaceutical care
 - School meals
 - Representation and inclusion in social care and supportive structures and services
 - Integration in programmes of Social Structures for Coping with Poverty
 - Integration in programmes realised under the auspices of European Aid for Pauper People Fund
 - Social invoicing for electricity
 - Social invoicing for water
 - Social invoicing for Municipal Services
 - Motivation services: directing workable beneficiaries towards actions which aim to integrate or rehabilitate them in the labour market and which may include:
 - Accepting the proposed job position
 - Participation in social work programmes
 - Participation in vocational training programmes
 - Participation in programmes for the acquisition of job experience
 - Integration or reversion to the educational system and ‘second-chance’ schools for adults

The aforementioned programme began as a pilot project in 13 municipalities of the country; in 2014, it was introduced to one of the selected municipalities, where the present research took place and was completed in 2015 aiming to:

- Provide income aid to families and individuals that were affected by the economic crisis
- Promote and safeguard access to social services and goods
- Promote the integration or re-integration of beneficiaries into the labour market

According to Dimoulas, the main criteria for the selection of beneficiaries were their legal and continuous residence in the participating municipality, the amount of movable and immovable property in their ownership and their actual annual income and the positive behaviour of the applicant towards legal employment. In particular, the amount of annual income should not have exceeded twice the 'income threshold' that corresponds to each family unit with the exception of 20% of income generated by dependent labour. The total taxable value of immovable property should not have exceeded € 90,000 for each individual and € 200,000 for the family collectively, the evidence of living costs (cars, motorcycles, etc.) could not exceed € 6000, while the applicant's bank deposits during the previous 12 months could not be higher than twice the 'income threshold'. These criteria mainly favoured those working in unregistered employment, the self-employed or farmers and their families, at the expense of either the registered employees or the unemployed. On the basis of available data, 85% of farmers presented a family income lower than € 4000, therefore, making their families eligible beneficiaries. On the other hand, an unemployed couple who had been subsidised during the previous year for 12 months (maximum) exceeded the 'income threshold' just by taking into account their collective basic unemployment benefit, thus being ineligible for the MGI aid. There is also the case of those who had a steady job for several years before the crisis and are very likely to have kept a deposit above the eligible limit, yet they too benefited from the programme; the same is the case with seasonal workers, casual workers and part-time ones (Dimoulas 2017).

The ethnographic research relied on the participant observation method throughout the programme as well as on in-depth interviews with personnel from the municipality and selected beneficiaries. According to the municipal's personnel (social service employees), the number of people who were strongly interested in being informed about the programme but did not eventually apply amounted to 2500. As for the Ministry of Labour, it failed to promptly produce sufficient informative material (leaflets and posters) promoting the pilot programme to potential beneficiaries of the municipality. Therefore, the majority of the population remained uninformed. The municipality, from its part, made efforts to publicise the pilot programme and inform or attract beneficiaries (e.g., through the local press), but in the end, it is assumed that the programme was more effectively advertised among potential beneficiaries through word of mouth.

It was only a small number of applicants who asked the municipality's personnel for help (Centre of Citizen's Service and Social Service). Their percentage was calculated to hardly 20% by the municipal office personnel. The vast majority of the applicants (as high as 80%) sought the aid of an accountant to fill out their application form. At this point, I have to note that the personnel of the municipality realised that the involvement of accountants created additional bureaucracy problems for the whole procedure.

In addition, according to the social service employees' criticism, the Application Form was not adequately comprehensible by the applicants and some of its questions made it particularly hard for them to fill it out. The most significant problems and difficulties arose in filling out the general information fields and in providing information on other inquiries, such as whether the applicants were 'guest residents' in a household and of their income standards. There were further problems with the informational system (digital platform), while applications were received with major faults in their cross-reference data and their overall image.

Although the informants were not aware of the exact number of applications that were eventually received by the municipality, they estimated that the number was much lower than expected due to the fact that the application procedure did not facilitate the application itself and the selection process. The most significant population groups that were excluded were the household guest group and the uninsured ones, this exclusion mostly being attributed to the following factors:

- Lack of proper documentation
- Unawareness of the programme
- Difficulties with the application form

At the same time, on many occasions, there was a lack of information concerning the application while the guidelines by the Ministry of Labour were inadequate. Moreover, the population groups of foreigners and Roma encountered the greatest difficulty while attempting to gather and submit the required documents which also needed to be validated by the municipality (mainly the documents pertaining to their 'guest resident' status). Similarly, the elderly faced major difficulty in gathering and submitting the appropriate paperwork to the municipality's services. An important and revealing opinion expressed by social service personnel maintained that any granted benefit should not be as high as to become counter-productive to

the beneficiaries' motivation to work and concurrently should relate to the obligation of the beneficiary to be available for employment. In a way, this finding demonstrates that these employees were very sceptical about the beneficiaries' incentives and operated as the 'scourge' of the neoliberal rhetoric, which view them either as lethargic receivers of 'tax payers' money' or as being unmotivated to be 'useful' for society.

As regards to the successful applicants, research has estimated that they do not actually represent the most vulnerable or indigent families and that their superficial eligibility is mainly attributed to the inaccuracy of data generated by unregistered employment. The majority of applicants and beneficiaries chose to appear in person or make a phone call, appeal or have a consultation, while the vast majority of beneficiaries came to the municipality to be informed on or simply confirm their inclusion in the pilot programme. Unfortunately, on many occasions, the information of beneficiaries was inadequate because there were neither enough personnel nor the appropriate flow of information from the team assigned with the programme. Thus, the most usual complaints from applicants and beneficiaries pertained to the delays in the cross-checking of data as well as in the execution of payments.

The pilot programme's influence on multiple areas of the beneficiaries' everyday life paints a rather vague and relatively dubious picture. Their answers referred to the living standards of their households before and after the introduction of the pilot programme. Before it, the vast percentage of the interviewees (60%) stated that they could barely or not at all covered their basic needs (food, clothing and housing expenditure) with their income. A total of 27% of the interviewees stated that they could scarcely cover their basic needs. A meagre 14% of interviewees attest to mediocre or full coverage of their basic needs prior to the programme application. Small wonder that 87% of the interviewees stated in essence that their income is inadequate for their basic needs. Medical and treatment care as well as their educational needs were sufficiently covered by the municipality. However, it is more than certain that their poor financial conditions had also impaired the social relationships of the interviewees to a large extent.

With such a background, the interviewees were able to present a fairly complete picture as to the degree that the programme had improved their living standards. It is rather indicative that the large majority of the informants reported that financial aid received by the MGI did not significantly improve and therefore did not solve in any way their financial adversities.

The informants underlined that their social exclusion had not been alleviated, while there were very few who considered that the programme has decisively contributed to the resolution of their material deprivation.

On the other hand, numerous beneficiaries reported that their life had not generally improved, along with the fact that the programme did not provide any better prospect for the future. They counter-argued that some of the following measures could improve the programme, without bringing, however, a radical change in their life:

- An increase in financial aid
- An additional emphasis on the supplementary measures for social inclusion (focusing on employment and training)
- An improvement of the municipal social structures (social grocery, social apothecary, soup kitchen, time sharing)
- Simplification of the bureaucracy procedures pertaining to benefits and social aid

The basic conclusion to be drawn from these interviews is that the income provided by MGI programmes is not sufficient to resolve situations of extreme poverty which was their main goal to start with. There are also numerous structural antinomies as well: one of the main characteristics of the new measures concerning the MGI (namely the measures taken in the last 20 years or the ones under the modified institutional framework during the recent times) require the applicant's participation in vocational training programmes; they also predetermined his/her re-initiation into the labour market as a prerequisite. The latter presuppositions were also included in the pilot Greek programme, but due to the economic crisis, the actual meeting of such requirements proved unachievable, as the vacancies were scarce with the unemployment rates in the broad area where the research took place soaring high. On the other hand, the programme, in order to be effective, has to combine employment with the social policy safety net in every municipality for all citizens and particularly for those that really need support. However, this dimension is unfortunately neglected giving a sense of partial and not global problem-solving. According to the informants, emphasis should be placed on furthering the safety net policies so that the MGI functions as their supplement and therefore poverty and social exclusion will be probably confined, since, as they underlined, in different times, they would not even think of applying for such a programme. In other words, they implied that they were forced

to their choice. In combination, measures should be taken against the social stigmatisation phenomenon through the protection of personal information.

Finally, many eligible informants were sceptical about state bureaucracy, and at any given point, they questioned the rationale and the programme's central planning. This was especially the case in municipalities which presented a high rise on the poverty index, among vulnerable elderly groups in particular. In their opinion, such municipalities should develop new structures for similar programmes. In addition, some informants brought forward the view that tentative actions should be taken, in order to circumvent the 'poverty and unemployment traps' caused by the economic philosophy of such programmes. This means that agents won't seek to secure an employment position because their salary will increase the reference income and thus exclude him or her from the MGI, resulting in a poverty trap. On the other hand, these actions should also take into account that such welfare subsidies may as well be an economic instrument in order to reduce wages by making deals off the books with prospective employees. For this reason, they maintained that the monitoring of both programme implementation and the labour market should be stricter and that MGI should be dependent on the minimum wage, the living standards, the household composition and the real spending potential of its beneficiaries.

DISCUSSION

One of the main conclusions to be drawn from the work of Pardo and Prato on legitimacy is that top political or economic decision-making should not be merely concerned with the legality of their outcomes but equally with the legitimacy of them (Pardo and Prato 2011: 2; Prato 2018 this volume). Hence as with Schmitt (2004), there is always the distinction between legality and legitimacy, raising many issues concerning the extent to which the content of the law reflects the popular will or even the extent to which the decisions made by a constitutional majority are consensually binding on large supermajorities of populations who currently experience uncertain downward conditions on a material and social level. As the ethnographic data of the present research have indicated, there is a sound discrepancy between the regulations issued by top decision-makers and those who experience the outcomes of this process. It is only ethnography

which could possibly reveal the enormous gap between what is perceived as technically legal and the extent of its legitimacy on grassroots level. In this case, context is very useful, for ethnography took place during the economic recession, exploring the effects of a supposedly palliative pilot measure.

In this light, Katherine Newman, in her work on middle-class downward mobility in US society, analyses in a clear fashion the transition from a relatively stable material status to a lower one, either in terms of prestige or in the form of job loss which, depending on the States' policy, might prove disastrous for people's lives. Newman points to the detrimental effects of this process for workers and their families as they once 'had it made', moving upwards, towards white-collar occupations, whereas they are currently approaching the grey zone of poverty and the social stigma of unsuccessful risk-taking. What is important in this condition is the fact that these employees used to possess all cultural and social skills required for the realisation of the 'American Dream', namely an upwardly aspiring culture oriented to success, job skills, higher education diplomas and a considerable work experience. She points to the fact that although downward mobility happens often, it is not given the attention it deserves because it does not fit into the American ideology about the ideal course of a person's career. Hence, the issue remains hidden and those who experience it become an invisible and unacknowledged minority. However, its effects in their lives are catastrophic as their identity is shaken and becomes incoherent; they feel that they live in isolation, in a no man's land. This experience is not the same for everyone, as those who used to work in managerial posts interpret their situation blaming themselves, whereas blue-collar workers see themselves as the victims of remote, inaccessible and impersonal power structures. Most importantly, stripped off their previous secure, programmable and comfortable life, they cannot define which part of the post-industrial society they belong to in the context of this new situation they are experiencing (Newman 1999). In other words, the identity of both workers and employees is de-standardised because work itself is de-standardised, due to either the policies followed or the power correlations in the workplace.

Newman's ethnography is enlightening, for it highlights the—overlooked by most policy makers—aspect that the regulations are neither value-free bureaucratic procedures nor morally neutral implementations. They aim at specific populations whose fate has been already pre-defined by the current

economic and political conjuncture. In this sense, informants' accounts were illuminating in that they revealed that policy programmes like the MGI operated more as a justification of the inevitable condition that Newman analyses rather than as an effective cure to the multiply wounded social body. As a matter of fact, the informants of this study applied for the MGI in view of no other alternative, confirming the relevant innovative research of Pardo, who points out that on the one hand rulers try to manipulate the eroded legitimacy of their rule by managing trust and responsibility in the task of the 'system' to gain legitimation and that, on the other hand, people recognise that in such a context they are challengingly engaged in negotiating the terms of their citizenship (Pardo 2000: 7). To the extent that the eligible informants living in the realm of poverty and social exclusion did not have the structural opportunity to act differently, they were forced to consent to the predominance of a specific morality aiming at legitimating the conditions of their existence by providing them with a residual protection and by consequence leading them to a race-to-bottom level of living in the first place. Hence, this forced action is seen as legitimate not only because the Weberian power-holders can convince the power-subjects that the command-obedience relation is 'rightful' (Matheson 1987) but also because the latter become gradually less free to choose their own life trajectory, becoming at the same time the tragic figures of policy constructed classifications.

In this light, from an anthropological point of view, it is quite challenging to question not only the legitimacy of power structures such as governmental regulations and public policies but also, as mentioned earlier, to look upon the way that those involved in such a process use and conceive them. The ethnographic experience of MGI beneficiaries showed that the 'rightful' morality of the pilot programme rests on a process of calculations, institutions, knowledge and tactics facilitating and legitimising the exercise of specific and complex forms of power and attempting to manipulate the behaviour as well as the conduct of people. In this context, policy measures are essentially political phenomena, which under the pretence of promoting the well-being of society and of being mere instruments for effectiveness and efficiency launch specific practices and discourses in the form of political technologies (Shore and Wright 1997: 8). Therefore, a vast array of quantifiable data, of directions and directives, of reports and mechanisms of decision-making, of calculated supervision, of

administration techniques, of specialists, of marketing experts and of 'good practices' are mobilised in order to remove problems from their political domain depriving them of their ideological connotation using a realistic language of the 'common good'.

I contend that this process is of primary anthropological concern since modern society is regulated, organised and defined by seemingly legitimised policy discourses and measures which shape and formulate the conditions of our existence. Hence, to the extent that our contemporary life is subject to policies, to decision-making and to their respective implementation, it is analytically important to not only think of the ideological orientation they convey but also of the constraining way they fashion the modern liminal agent and its identity, as well as his/her perceptive categories about the social milieu surrounding him/her. In that sense, policy discourses tell their own stories concerning the classification of people and of their problems as particular reified categories of social, economic and political life. Hence, similarly to the clinical Foucauldian gaze, mainstream policies such as MGI attempt to construct regimes of aetiologies for social issues, rendering them into common sense phenomena and ascribing them a programmatic character. As the British governmentality school argues, referring to the relation between the evaluation process of policy and governmentality, the latter is programmatic, not simply in that one can see the proliferation of more or less explicit programmes for reforming reality-government reports, white papers, green papers, papers from business, trade unions, financiers, political parties, charities and academics proposing this or that scheme for dealing with this or that problem. It is also programmatic in that it is characterised by an eternal optimism that a domain or a society could be administered better or more effectively; that reality is in some way or another, programmable (Spyridakis 2013). This optimism, coupled with the knowledge produced by experts that were called upon to monitor the design and the institutional process of active transformation, is effused as a normatively legitimate behaviour to other experts as well as to individuals who should reform their conduct in line with the new imposed and internalised archetype of getting things done and work (Shore and Wright 1997: 9). In the final analysis, this way of regulating social order legitimises the reproduction of social inequality consolidating at the same time, through a forcefully distracted consent, agents in the social place where they 'should' belong and be.

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DIGITAL SOURCES

- [http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:At_risk_of_poverty_or_social_exclusion_\(AROE\)](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:At_risk_of_poverty_or_social_exclusion_(AROE))
- <http://www.kathimerini.gr/917280/article/oikonomia/ellhnikh-oikonomia/313-h-pragmatikh-nergia-sthn-ellada-ektima-h-ekt>



Legal but Not Legitimate: The Changing Practices of Financial Citizenship in Turkey

Z. Nurdan Atalay

INTRODUCTION

The world is experiencing a turbulent time, and the lines between legitimacy and legality have blurred and are being put into question on several levels. We observe a rise of populism and discontent with both the existing bureaucratic structures and the organization of social life. There are increasing processes like financialization and the interference of international institutions like the International Monetary Fund (IMF) or the European Union (EU) that operate beyond the borders of nation states. Although the existing democratic systems are based on nation-state borders, within these borders, citizens are affected by processes and decisions made by bureaucrats in these international organizations (Spyrikadis 2018, this volume), which has brought about a questioning of the legitimacy of these processes among ordinary people. On the other hand, the organization of the global economy has created an environment in which the capital moves across national borders more frequently. The regulatory power of the state does not exert sufficient control on these movements because

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_5

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every state wants to attract this money (or keep it) in their own economic system, as opposed to it moving to other possible destinations. The international movement of finance also turns financialization into a 'space' where various national and international actors and institutions are connected with each other. For example, through the relevant international financial network, a decision taken by the US Federal Bank affects the economy of the whole world. The contradictory relationship between global and national institutions has also influenced how we understand legitimacy and what the possible outcomes of this understanding could be.

In this chapter, I draw on the Turkish ethnographic case to examine a conflictual relationship between legality and legitimacy, focusing on the ethnographic study of actors and institutions in the financial field. Throughout the discussion, I use the word 'actors' to refer to ordinary citizens and the word 'institutions' to refer to the banks (private and state owned), various financial bodies and the state. I focus on the debate among these actors and institutions on credit card membership annual fees. Through this case study, I question the relationship among legitimacy, legality and financialization. Like many other countries, Turkey has experienced an increased financialization, especially after the 1990s. As a result of an economic policy change, in 1980, from a more closed economy to a globally integrated model, the state ceased to be a main investor and took a more regulatory role. The control over finance capital loosened. Especially after the 1990s, the banking sector increased aggressively in size, and the share of the international capital in this sector also grew. Consequently, the number of credit cards increased, and they have become an inseparable part of ordinary citizens' everyday life. The aforementioned debate provides a fruitful ground for discussing these relations.

Why is the process of financialization crucial to understand the issue of legitimacy? Financialization as a global phenomenon weakens the borders of a nation state as it moves quickly from one country to the other. Also, it has an international character, which tallies with the increase in the banks' cross-border activities. At the same time, the share of the foreign banks in the financial activities inside a nation has also increased (World Bank 2018). Through the financialization process, financial markets have gained global power. This trend both makes the coalition between the nation state and the financial capital class more visible and puts into question the relationship between legality and legitimacy, particularly because the financial and monetary institutions have an interest in encouraging a restriction of the space for political and social control (Itoh and Lapavistas 2012: 11).

As a response to this trend, the role and the presence of state has been questioned and three different answers have been proposed. One is that the role of the state is weakening; the second is that the state has become a moderator of the processes of financial expansion; and the third is that the state has become a promoter of this expansion. All these ‘answers’ point to one possible outcome: the death of the Keynesian idea of state, according to which the state is responsible for its citizens and asymmetric power relations among different groups are managed through laws and regulations (Streeck 2014).

Before looking at these issues in detail, I would like to give a brief outline of the present discussion. In order to understand financialization, I suggest, we need to examine the various agencies that are involved in this process, including financial institutions and the state itself. I start with an examination of the definition of financialization and of the role of state and, then, move on to an analysis of the role of citizens in the financialization process and of the changing dynamics between legality and legitimacy in the financial field. After giving some brief information about my research, I go on to explore the financial field in Turkey with special attention to the situation after the 1980s. I focus on the relationship between the state and the banks, limiting my analysis to the credit card market and its regulation. In the sections that follow, I address the actions of citizens with reference to the credit card market regulations and the credit card annual fees. This discussion focuses on two different periods of time during which the state introduced credit card regulations. I call *illegal and illegitimate* the first period, which ends with the 2014 Consumer Protection Law. I call *legal and still illegitimate* the second period, to date, where regulation has provided the legal basis for the fees.

BETWEEN LEGALITY AND LEGITIMACY: HOW DO WE UNDERSTAND FINANCIALIZATION?

Financialization is not related only to states and their macroeconomies. It is also related to our daily life practices. In the literature, there is a consensus on using Epstein’s definition as also indicated by Bonizzi (2013: 85), whereby financialization refers to ‘the increasing importance of financial markets, financial motives, financial institutions, and financial elites in the operation of the economy and its governing institutions, both at the national and international levels’ (Epstein 2005: 3). This definition sheds light on the dynamics of financial incentives at both international and national levels

and on the increasing power of finance over the performance of the economy. This power makes it difficult for any individual state to control finance (Swedberg 2003: 151–152) or provides an excuse for the state to exert less control on finance (Lazzarato 2014). After the financial crises in the USA and Europe, states intervened in the financial field with specific reference to financial institutions, particularly banks. This intervention also brought out the failure of neoliberalism’s approach since the 1980s. Pierson states, ‘...it is widely argued that the attempt to ‘free up’ financial markets in the 1980s led to wholesale increase in the ways in which these financial markets were regulated by the state, including the institution of new regulatory agencies’ (2011: 93). Moreover, the discourse on regulation usually refers to the transfer of state power into so-called bureaucratic autonomous institutions. These institutions are usually conceptualized as interest-free zones working in the public interest. Yet, the dynamics of the formation of these so-called autonomous institutions point to a different reality.

The reality is that the ‘Federal Reserve Board is largely made up of a circulating elite of bankers and Wall Street executives or those within a small financial community. Homeowners and other affected by its policies should be presented’ (Gudeman 2016: 183). Meeting Epstein’s definition, this quotation describes how the financial field is governed by élite groups and how those affected by the increasing financialization are excluded from the decision-making processes. These financial institutions are usually functional to providing legality to agents, raising issues that I discuss in detail in the section on Turkey. Another key aspect of this elitist regulation practice is that, as it narrows to almost nothing the possibility of govern financialization democratically, it leads to a crisis in democracy (Walby 2013) and to the collapse of the idea of democratic citizenship (Streeck 2014). As Streeck argues (2014: 20–21), the conceptualization of legitimacy should be revised from the two-party relationship between state and citizens to a three-party relationship among the state, capital and wage earners. As the influence of finance has increased, the finance capitalist class wants to change the existing system. As Streeck points out, ‘Economic crises in capitalism result from crises of confidence on the part of the capital; they are not technical disturbances but legitimization crises of a special kind’ (2014: 23). In this crisis scenario, democratic citizenship has lost the capacity to influence politics. There is, in Pardo’s words, a ‘growing disconnection between the rulers and the ruled’ (2000: 3). As a process, financialization offers an opportunity to observe this *disconnection*.

An examination of the debate on the role of citizenship in the financial field highlights the significance of the aforementioned gap. There are basically two approaches. One group of researchers investigate the inclusion and exclusion of individuals in the financial system; they maintain that inclusion in the system is a basic right for all members of society and that the state should guarantee this ‘financial citizenship’ for all (Leyshon and Thrift 1995). The second group of researchers, on the other hand, interpret financial inclusion not as a part of citizenship rights but as *financial appropriation* (Lapavitsas 2010a). Banks and other financial institutions, they point out, develop strategies to include especially lower and middle classes, and they benefit from their indebtedness (Lapavitsas 2010b; Dos Santos 2010; Dymski 2010). These two positions highlight the fact that citizens are excluded from the financial system and that when they are included they cease to be active citizens, as they are forced into passivity in their relationship with the financial system.

The concept of legitimacy is bounded to legal authority and nation-state boundaries (Weber 1978) in the modern state formation. This conceptualization stands on two basic assumptions. The first one is the equation between legitimacy and legality. As a source of legitimacy, the rational-legal basis of a nation state plays a crucial role, as it provides the bedrock for the democratic system. This role does not work smoothly. The legal-rational features of legitimacy do not cover how legitimacy is understood across society and how these different understandings unfold in everyday life. Pardo (1996, 2000) highlights these ambiguities, pointing to the distance that is often found between the law and the values and actions of ordinary people. What people experience and how they interpret this distance define these ambiguities. The second assumption in Weber’s definition of legitimacy is about the role of state. The assumption is that the state has legal authority, and therefore, it has legitimacy. This conceptualization does not help us to understand the conflicts of power in the nation state for, as Abrams (1988: 82) argues, the ‘state itself masks what the political reality is’. In sum, these two points remind us that the relationship between legitimacy and legality is not straightforward, and that it is determined by complex dynamics that include and go beyond the official field.

Concerning the often uneasy relationship between legitimacy and legality, the financialization literature has underlined the changes in our conceptualization brought about by the growing gap between the rulers and the ruled. The first change is related to the role of state. Since Weber’s

definition of the role of the law as ‘rational ground of legitimacy’ in modern state (Weber 1978: 215–216), the issue of legitimation has been methodologically bounded to the legal authority of the nation state. Under financialization, I note, the state does not operate with its citizens’ consent. Its priority is compliance with the network of financial relations, which, as I have noted, is not usually bounded to the national borders. The second change is to do with the role of citizens. As it provides no opportunity to challenge the political system (Streeck 2014), the regulation of finance through legal or illegal measures raises questions on its legitimacy as it undermines the common ground between the state and citizens (Pardo 2000: 3). What becomes thus questionable is ‘the construction and deconstruction of credibility and the relations of trust between law, and politics and bureaucracy, and the broader society, and between citizenship and the institutions and representatives of the state’ (Pardo 2000: 2–3). It is because of this loss that ‘the critical relationship between citizenship and governance in contemporary society is becoming increasingly loose and conflictual’ (Pardo and Prato 2011: 1). It is clearly crucial to understand this process on the ground.

There are significant differences, worldwide, in the degree of financialization and the processes by which it has taken place in different countries. In the financialization literature, there has been an overemphasis on the Global North, almost overlooking the fact that it has affected the Global South too (Gürgen 2015; Rodrigues et al. 2016). I address from an ethnographic perspective the questions that I have outlined so far, focusing on the Turkish context because it exemplifies financialization in the Global South.

In order to facilitate the discussion that follows, it is useful to point out at the outset that the conflict on credit card membership annual fees to which I referred earlier resulted from the loose regulations or absence of regulations on the credit card market at the beginning of its emergence. Citizens saw the annual credit card membership fee as illegal and illegitimate and as evidence of the *asymmetric relations* between them and the banks. They tried to address this problem by legal means until the state’s regulations both made this fee legal and stated that the banks must offer an alternative credit card that does not carry an annual membership fee.

Fieldwork drew on various components, including my own experiences. Having graduated from university in 2000, I started to work. As a result of the credit boom in Turkey, I obtained several credit cards. The total sum of the fees for these cards was almost four times higher than my salary. There was no control mechanism on how the banks were marketing and allocating

their credit cards and how they were setting spending limits. Like for all the ordinary citizens in Turkey, during the following years credit cards and credit have become an inseparable part of my life. Accordingly, I have experienced all the legal changes that I discuss later. Furthermore, on several occasions, I engaged in negotiation aimed at avoiding to pay the credit card membership fee. Sometimes I succeeded, sometimes I failed. At other times, I did not pay the fee because the institution where I worked paid my salary through the bank whose credit card I had, so I enjoyed the status of ‘privileged customer’. Meanwhile, like any other credit card user, I assiduously followed the public debate on credit card membership fees. When this personal interest turned into an academic interest, I researched the legal regulations on this issue and carried out unstructured interviews with the representatives of consumers’ right protection associations in Ankara, İstanbul and İzmir in the winter of 2016.

In order to understand the different perspectives and various positions in the field, I originally planned to interview the selected representatives of the various domains in the financial field. Yet, the representatives of both the Banking Regulation and Supervision Agency (BDDK)¹ and the Bank Associations of Turkey (TBB)² refused to discuss the issue of the credit card annual membership fee, stating that this would possibly involve a breach of their duty to maintain secrecy on personal information, no matter that I clearly said that my research interest was in their policy on this issue and not in personal information. Of course, this incident in the field-work gives us interesting clues on key dynamics in this field. In the end, I interviewed only the representatives of the consumer protection associations in three largest cities: İstanbul, Ankara and İzmir. I also studied the documents produced by these institutions.

THE FINANCIAL FIELD IN TURKEY

For Bourdieu (2002 [1984]), the economic field is a network where agents and institutions occupy different positions. To understand the financial field in Turkey, we need to examine the field itself more closely and identify both the actors and the institutions that operate in it. The former are the

¹The Banking Regulation and Supervision Agency (BDDK) was founded in 1999 and its main function is to regulate financial field especially banking.

²The Türkiye Bankalar Birliği was founded in 1958 and it is the representative of banks in Turkey.

individuals and firms who are customers of banking services; the latter include the banks, state institutions like the BDDK and the TBB, other financial institutions like insurance companies, leasing and factories, and the state itself. The expression ‘bank-based financial system’ (Bedirhanoğlu et al. 2013: 22) is the appropriate summary description of the Turkish financial system because the share of the banks accounts for over 80% of the financial market. A total of 34 deposit banks currently operate in Turkey; 21 of them are foreign capital banks, 3 are state-owned banks and the rest are private banks. As I focus on credit cards issued by banks, my analysis of the financial field focuses on the banks, their customers and the state.

According to some studies (Bakır and Öniş 2010; Bedirhanoğlu et al. 2013; Yıldırım 2015), the relationship between the banks and the state in the Turkish context can be roughly grouped in three different periods. The first refers to the pre-1980s, when the state was the main actor in the financial field and the regulations were in favour of the state’s economic policy in what was a rather closed economy in which the resources were used to improve production in certain sectors. Although some private banks did exist at that time, the banking sector was dominated by state-owned banks. Individual banking and credit cards were not widespread. The second period goes from 1980 to 1999, during which financial liberalization started. After the military coup in 1980, the Motherland Party won the election and formed the government. Financial liberalization was its priority. As a result of this policy, the number of private banks increased, and they started to provide funds mainly to fund government debt. The financial services for individual customers also started to increase. Major economic crashes caused dramatic changes in the number of banks; some went bankrupt and were brought under state control or were closed down. Bakır and Öniş (2010: 80) define this period as marked by a ‘rent-seeking coalition between bank, state and business’ because many big business owners in Turkey benefited from the debt relations between the state and the banks. *Political instability* defined this period. The multiparty coalitions that governed the country through the 1990s generated a growing distrust and scepticism towards politicians (Delibaş 2011: 184). The third period refers to new relations between the banks and the state. Now the efforts of the state to implement regulation were determined by pressure from global powers like the IMF and the EU. Parallel to this zeitgeist, regulation was transferred to an autonomous institution, the BDDK, which was founded in 1999 and whose regulatory power has gradually increased. Following the severe economic crises of 2000 and 2001 in the

financial realm in Turkey, the BDDK assumed a more central role and became more effective in regulating the banking sector.

Since 2003, parallel to an increase in the financialization of the Turkish economy, the Justice and Development Party (AKP) governments have followed a path of financial regulation. Yet, regulation has addressed the banking system only, ignoring the more ramified effects of the financialization. Bakır and Öniş (2010: 79) have highlighted the missing points in the regulation. They are the exclusion of the small- and medium-sized enterprises (SMEs), ignorance of both competition and consumer protection and the increasing level of household indebtedness. Marois (2013) explains that in this (third) period, the state favoured the banks against the interests of the working public. The growing credit card market was left mostly unregulated. After 2006, the state attempted to regulate the credit card market either through BDDK or through legislation that, again, mainly took into account the interests of the banking sector.

I discuss these changes and their effects in the next section. For now, I note that our analysis of the main contours of the relationship between the state and the banks suggests that this relation can be reasonably summarized as one of ‘mutual dependency’ under pressure from the increasing financialization that has taken place in Turkey since 1980. The state always depended on the financial resources provided by the banks. In return, it opened the space for banks to increase their profit, benefiting from either legal measures or ignorance of the procedures. Thus, to say it with Bakır and Öniş, ‘the state capacity in the banking sector generated reactive rather than proactive sectoral policy responses’ (2010: 101).

Before discussing the position of the citizens in the financial field, it is useful to look at the basic features of the credit card market in Turkey. Credit cards were first used in 1968. Since then, this market has grown enormously. In 2001, 15.5 million credit cards were in use; now there are 58 million credit cards and 117 million bank cards circulating among a population of nearly 79,000,000 (BDDK). Four banks and four credit card brands dominate this huge credit card market. They are, Garanti Bank-Bonus, İsbankası-Maximum, Yapı Kredi Bank-World and Akbank Bank-Axess (Aysan and Yıldız 2007: 5; Aysan 2012). The other banks either rely on these brands for their credit card system or create their own credit card brands. More than 10% of the banks’ income is from credit cards. In Europe, Turkey is the third largest credit card market, after the UK and Spain. However, all these credit cards use the Master Card, Visa

or American Express networks. Banks not only have foreign capital linkages but also their networks are dependent on foreign firms.

The main characteristics of the credit card market in Turkey are as follows (Aysan 2012; Karamustafa and Biçkes 2003):

- Payment by instalments has been allowed since 1999 (Banks are free to decide on the number of instalments and the period in which they apply).
- Relatively easy access, compared to other consumer loans. This was so especially at the early stage of the boom.
- A low level of minimum repayment (increased from 10% to 20% in 2006).
- Until 2006, there was no control limit. Therefore, people had more purchasing power with credit card than their income allowed.

Because of these features and the relative difficulty in accessing consumer loans compared to credit card, the credit card set-up has been used to boost consumption and to provide a tool for households to sustain their livelihood. Another effect of the increasing level of credit card usage is that informal economic activities have turned into recorded ones. Thus, the state has partly solved the problem of controlling informal, therefore unaccountable, economic activities.

Bedirhanoglu et al. (2013: 341) have highlighted the negative correlations between income level and dependency on loans including credit card and consumption credit. Karaçimen (2015) has shown that, in 2013, people whose income was below 3000 TL used 62% of the total consumer loans; a clear indication of the earlier point on low wage levels making people dependent on credit card and other credit resources. People tend to pay their credit card debt through consumer loans, which finds support in the rhetoric on ‘financial literacy’. On the other hand, Bakır and Öniş (2010) aptly call attention to the aggravating effect that increasing financialization may have on the fragility of household financialization.

ILLEGAL AND ILLEGITIMATE

As until 2004, there was no legal regulation concerning this credit card market, in the early 2000s, it was normal to see the representatives of a certain bank introducing credit cards to people and granting them on signature of a credit card contract either outside the bank’s entrance or in

the streets of the city. No proof of identity and no evidence of income or any other resources were asked. We know that the BDDK became responsible for the regulation of the banks and their activities after the economic crash of banks in 2001 and that its position became more powerful in the aftermath of that crisis. An article regarding the late payment interest rate of credit cards was added to the Consumer Protection Laws because this issue was a big social problem (Aysan 2012), but this was the only attempt made by the state to protect consumers, and it only addressed the problem of consumers who fell into the interest trap because of their unpaid credit card loans.

At this time, the banks' credit policy started to target more private individuals than entrepreneurs. For some, this policy change was made necessary by the banking situation (Kaya 2009: 1). One could argue that individual consumers made a more profitable market because the regulations pertaining to the credit card market were so loose. We may also note that, the foreign capital banks were experienced in addressing this section of the market and benefiting from individual customers' indebtedness (Lapavitsas 2010a, b; Dos Santos 2010; Dymski 2010). Işıkara (2013) underlines the parallel between the increase in foreign capital and the targeting of individual costumers. What would be the reason behind this policy change in a context where the relationship between banks and citizens is unequal (Karaçimen 2015)? Some argue that this may lead to the total collapse of the financial system because this policy change puts *entrepreneurs*, too, into an increasingly difficult situation: we have seen that it makes the repayment of debt problematic for private individuals in the long run work and, it is noted, many of these people work in the firms owned by entrepreneurs (Alkin 2007).

Up to 2006, the Code of Obligations provided the regulatory framework for the credit card system. Yet, there were a growing number of disputes between the banks and their customers especially on issues like interest rates of the unpaid loans, which forced the state to take an action. So, in 2006, the Law of Bank Cards and Credits Cards (Law No 5464) was issued that introduced some measures concerning the credit card market. They are summarized as follows:

- The Central Bank became responsible for arranging the interest rate of credit cards.
- Banks can market their cards only in their branches.

- The limit of the card should be determined according to the economic resources of the applicants.
- The contracts should be readable and should include information about all the fees and commissions related to the card.
- The minimum repayment rate was increased from 10% to 20% of the spending limit.

However, no responsibility was taken about the credit card annual membership fees, and the state did not clarify its position about these fees. Kaya (2009) argues that the credit card membership fee is just and must be paid by customers because the credit card system involves operational costs. Yet, there is no regulatory framework for this fee, and it is always set by the banks. As Aysan (2012: 15) indicates, when the banks thought that the credit card market had reached its limit, they introduced this fee in order to increase their income. Unlike what happens in other countries, for example, the USA or France,³ in Turkey, the membership annual fee did not exist when credit cards were initially marketed. Once people got used to these cards, banks started to introduce a membership fee without informing their clients. Moreover, the fees were not the same for all. The amount varied from bank to bank and not all customers of the same bank were charged the same amount of money. There were also possibilities for customers to bargain. If a customer had the power to argue that s/he should not pay the fee, they usually succeeded in avoiding it.

This strategy was frequently criticized in the media, and some consumers tried to find new ways to deal with this issue. If the bargaining strategy did not work, people took the legal option. First, they lodged a complaint to an arbitration committee for consumer rights and, then, to the court of justice. A long judicial process usually followed. Typically, in 2008, the president of a customer protection association won the case he had taken to the Supreme Court. The court decided that the bank should return to him all the credit card membership fees that he had paid. In its ruling, the Court referred to ‘the concept of unfair term’, meaning that this fee is not obligatory, not properly documented and not reasonable. The Court issued the same verdict in another, similar case. Then, some citizens started to ask their bank for a refund of their credit card annual

³Trumbull (2014) argues that different state policies have shaped how credit cards are introduced and regulated as a result of different coalitions of social groups in the USA and France.

fee. Alternatively, in the absence of strict legal rules, some citizens saw judicial proceedings as an option. When describing this period, an informant said, ‘there is no legal basis for this regulation. No laws. We file a suit’. The number of those using this option was, however, limited. The rest continued to pay all the ‘illegitimate fees’.

The consumer protection associations campaigned for state intervention because they expected the state to regulate this market in favour of its citizens, as they believed it to be the only actor that had the power to change the *asymmetric relations* between banks and citizens. They argued that ‘the legitimate state should protect the rights of its citizens’ and that it should use its power to change the rule of law. They saw the legal route as the only legitimate option in their efforts to defend their civil rights. In spite of the state’s doubtful attitude on this matter, it was the only legitimate actor that citizens called on to take action.

From the citizens’ perspective, the credit card annual fee is not just unregulated; it is illegal. And it is not justified by the banks’ claim that they charge this fee to cover their operational costs because, among other reasons, they make a profit from the money deposited in their coffers. People believe that labelling the banks’ action as ‘illegal’ is justified because the fees were introduced illegally and were not equally applied to all consumers. In order to end this ‘illegal’ action, consumers asked the state to regulate the field in a legal and legitimate way. In the next section, I discuss what has happened after regulation was introduced.

LEGAL AND STILL ILLEGITIMATE

It was only after 2014 that the new Consumer Protection Law (No 6502) was issued and banks were consequently obliged to offer an optional credit card that did not carry a membership fee (Article 31). As these ‘optional’ credit cards do not allow payment by instalment, they are not a real option, and they are not well known as they are not marketed by the banks with the same strength that normally applies to the other options. Moreover, the other payments and fees attached to credit cards have now gained a legal status. In 2014, the BDDK also introduced restrictions on payment by instalment for things like mobile phones, gold and jewellery and instituted a limit of nine months for payment by instalment for purchases like furniture and household durables. However, in 2016, this limit was extended in order to encourage consumption in the political turbulence that Turkey is experiencing.

Since the legislation of 2006, the credit card system has been regulated 14 times.⁴ An analysis of these regulations helps us to understand the dynamic relations among the actors in this field. It also offers interesting clues on the role of the state. In spite of these continuous attempts to regulate the credit card market, the relationship between banks and their customers remains unfair and, as Bakır and Öniş (2010) argue, the position of the state continues to be in favour of capitalists, especially financial capitalists (Streeck 2014), as opposed to the people. One of my informants describes the coalition between the state and the banks as follows: ‘we, as customer associations, asked for a meeting with the government and the government refused. The banks gave the government an order and they obeyed’. People believe that the position of the state is explained by the lobbying power of the banks or by the choice to support the banking sector. In the light of the present discussion on the relationship between the banks and the state in Turkey, it can be reasonably said that the arguments of my informants have a solid ground.

Also, the policy of maintaining economic life through consumption has continued. The redrafting of the Law No.6502 was meant to review the regulation on payment by instalment and the related limitations, which testifies to the continuing bargaining between the banks and the state and between various economic sectors and the state. We have also seen that the state acts as a ‘mediator’ between different capital groups (Gültekin-Karakaş 2009: 98) and responds to the interest of powerful economic lobbies. For example, the first regulation on payment by instalments for purchases of jewellery and gold was modified according to the demands of the sector representatives. News on credit cards and on the related bargaining process are among the most popular in Turkey because of the direct interest of most citizens as card holders, which might also lead to their questioning their place in the bargaining processes. As mentioned earlier, they see the state as a ‘natural ally’ of the capitalists.

Citizens also question the credit card law from the perspective of political citizenship. My informants raise questions not as consumers but as citizens. Reminding us of a point made by Pardo and Prato (2011: 18), in my case citizens are looking for the ‘fulfilment of fundamental rights of citizenship’. They denounce the new regulation for having created the legal basis for the unfair actions of the banks, while closing the possible

⁴http://www.bddk.org.tr/WebSitesi/turkce/Mevzuat/Banka_Kartlari_Kredi_Kartlari_Kanunu/Banka_Kartlari_Kredi_Kartlari_Kanunu.aspx (Accessed 24 May 2017).

avenues for legal action. Their call to the state for regulation could be interpreted as a recourse to the establishment of legitimacy on rational grounds (Weber 1978: 215). In any case, in this field, the possibility of taking legal action plays an objectively very critical role in the empowerment of citizens.

It is worth stressing that before the new legislation on credit card fees and on other payments was issued there were possibilities in the legal system for defending citizens' rights. As we have seen, the new law closed all these possibilities. Now citizens must pay these fees, and option of repaying debt by instalment is gone. Yet, there are exceptions. For instance, if an employer pays the employees' salaries into a particular bank, she/he, especially if it is a big one, can negotiate special favourable conditions with the bank or if one is a 'good customer' one may be able to negotiate not to pay one's credit card fees and, perhaps, better conditions on payment by instalments. My informants are aware of the banks' individually tailored policies. However, these exceptions are only for citizens who benefit from particularly favourable personal circumstances. There is definitely no legal protection for all the citizens. Everything depends on one's bargaining power and this, in turn, depends on one's financial strength. These discriminating policies also lead to the erosion of legitimacy because they break the impersonality of law.

What will be the future of citizenship under financialization in Turkey? My informants suggest that 'citizens should intervene more in the political system through collective action and put pressure on the decisions-making process'. Given the characteristics of the financial field and the current political climate in the country, this suggestion seems difficult to achieve.

CONCLUSION

The study of the changing relationship and conflict between legality and legitimacy in the financial field in Turkey has shown that in the face of the massive growth in the credit card market that has paralleled the policy of financial liberalization regulation remains weak and slanted in favour of finance capital and the banks. On the one hand, this legislative weakness has increased the income of the banks. On the other hand, it has forced citizens to seek alternative strategies in dealing with the banks and their predatory policies, which is not easy given their weak position. Ordinary citizens have pursued legal avenues in dealing with their financial problems and have found support in the judicial process. Meanwhile, they have

continued to ask the state to intervene in the situation, without success. Meeting Pardo and Prato's analysis (2011), their demands address basic citizenship rights, which is particularly relevant considering that the banks' 'predatory actions' are made legal by the state through legislation that is seen as illegitimate by ordinary people. Citizens, we have seen, continue to claim their legitimate rights while searching for viable options in this field.

This ethnography demonstrates that financialization has significantly changed the relations between the state and the citizens in Turkey. To an extent, it has also changed the relations between some people and the rest of their fellow citizens, as a consequence of the banks' differential treatment of their customers. This raises questions of legitimacy as these differences in treatment injure the spirit of 'bureaucracy as an impersonal entity'. Notably, citizens' room for manoeuvre in this critical field has become limited as financialization has increased. In spite of past rhetoric of the 'free market', financialization requires the state's increasing intervention, specifically, in terms of regulation. However, in the Turkish case, state regulation has benefited the finance capital, not citizens. The policies of the state in this context are heavily influenced by finance capital and by international organizations like the IMF and the EU. From the citizens' viewpoint, the position of the state has therefore become increasingly questionable. And yet, as the state remains people's 'only possible' ally, they keep trying to find new legal 'strategies'. As these attempts keep failing, consequently looking futile, the distance between legitimacy and legality grows.

Acknowledgements An earlier version of this chapter was written while on a Postdoctoral Research Fellowship in the School of Social Anthropology and Conservation, University of Kent, UK, with the support of a research grant from the Fund of The Scientific and Technological Research Council of Turkey (TÜBİTAK), Turkey.

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Changing Contours of Legitimacy in Neighbourhoods: Reflections from a Town in North Kerala

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During fieldwork in Thalassery in North Kerala I was struck by how neighbourhood spaces were strong sites of legitimacy and social control while also being spaces of friendship and support. In Thalassery, a neighbour's presence at the event to finalise a marriage was crucial, and the local elder (*nattu mukhyasthan*) would officiate at a wedding when there was no priest. 'What will the neighbours say?' was a constant refrain and indicated the importance given to what the neighbours considered legitimate. Social control also seemed to be exercised partly through gossip, although to varying degrees in different kinds of neighbourhoods. During fieldwork carried

I am grateful to Italo Pardo and Giuliana Prato for inviting me to participate in the very stimulating six-day workshop in Sicily, Italy, on *Erosions of Legitimacy and Urban Futures: Ethnographic Research Matters* and for detailed comments on my paper. I would like to thank all the participants for comments and for stimulating discussions over those six days.

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_6

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out both in Kerala and in the northern state of Rajasthan, the strong influence of the neighbourhood in everyday life could be seen, for example, in consumer choices, girls' and women's education, clothing conventions and employment.¹

Drawing predominantly on the ethnographic contexts of two neighbourhoods in Thalassery in North Kerala, India, in this chapter I explore the ways in which the neighbourhood is a site of legitimacy in everyday life and the transformations that have taken place in this respect. How does a neighbourhood influence the everyday lives of people? Given dramatic changes in the nature of residential neighbourhoods in Kerala, and with other social, political and economic changes, how has the social control and legitimacy garnered in the neighbourhood changed? I am interested in exploring some of the competing and conflicting sources of legitimacy at the level of the neighbourhood, including some of the events through which legitimacy may come to be eroded.

In addressing these issues, I am influenced by Pardo's call for a 'more comprehensive view of the dynamics of legitimacy, and its relations to authority and power' (2000: 4). The discussion offered here is an attempt to think about my ethnographic research in neighbourhoods in Kerala through the lens of issues raised by Pardo and Prato in the outline to the workshop (see n. 1) and developed in their introduction to *Urban Ethnographers Debate Legitimacy* (2018). Furthermore, this chapter has taken shape through a process of discussion and debate during the intensive six-day workshop in Italy in 2017 at which the idea of competing sources and views of legitimacy was explored in several papers.² I offer an ethnographic exploration of the contours of legitimacy and changes in this over time in neighbourhoods in North Kerala and seek to look at the dynamics that inform processes of legitimation in specific contexts.

¹ See Abraham (2010) for the influence of a neighbourhood on education and employment and on veiling practices.

² For example, the issue of competing sources of legitimacy between the state and citizens was explored among others by Pardo (2018), Prato (2018), Andrews (2018); between state and civic/grassroots organisations by Boucher (2018) and Krase and Krase (2018); between the state and residents of a building by Hurtado-Tarazona (2018); and between citizens and financial institutions by Atalay (2018), all revised and expanded for this volume. These papers not only explore the contours of legitimacy in drawing from and extending Weber's three ideal types of legitimacy (see Weber 1978 [1922]) but also look at how different ideas about legitimacy may compete in everyday life drawing a distinction between what is legitimate and what is legal, for example, or processes of legitimation in different contexts.

URBAN STUDIES AND THE STUDY OF NEIGHBOURHOODS

Neighbourhood studies within the disciplines of anthropology, sociology, geography and urban planning go back to the late nineteenth century (Sanjek 1999). Robert Park and Ernest Burgess (1967[1925]), identified as the Chicago school, argued that the city could be likened to an ecosystem and that both social structure and the physical environment influenced human behaviour. The creation and growth of several cities in the United States in the first half of the twentieth century brought with it concerns about the changes in the quality of neighbourhoods in urban areas and the implications of these changes (Wirth 1938). One strong analytical strand followed Tönnies' distinction between *Gemeinschaft* and *Gesellschaft* (translated respectively as 'community' and 'society') and lamented the loss of community in new urban neighbourhoods.³ Apart from a few rich ethnographic studies (e.g., Whyte 1955), the majority of studies have been preoccupied with what Pardo and Prato call a 'problem-centred approach' (2013: 85) coupled with a focus on poverty and poor neighbourhoods.⁴ Thus, much of the discussion on 'neighbourhood effects'—what is described as the various social, structural, cultural and demographic conditions of the neighbourhood—has focused on poor neighbourhoods (Sampson et al. 2002).

Writing in 1972, Richard Fox argued that 'in much contemporary urban anthropology, the city appears only as a location of research rather than as the fundamental social institution under study' (p. 205). In a similar vein, I would like to argue that in much of the literature, the neighbourhood has been seen as a default location rather than a space which is analytically and conceptually distinct, especially when it comes to the consideration of those who are not poor. If we take seriously the idea of the 'power of place' (Sampson 2012), we will see neighbourhoods not as default places but as settings that are of critical influence in people's everyday life. Furthermore, as Donner and de Neve argue, it is important to look at how neighbourhoods are made into meaningful places, something that the sociological literature has 'barely explored' (2006: 7).

³ For a review, see Prato and Pardo (2013); also Schwirian (1983).

⁴ See Sampson et al. (2002). One exception was Massey's study in which he discussed urban concentrations in which the poor would be exposed to crime, disease and violence and concentrations of affluence which 'enhance the benefits and privilege of the rich' (1996: 395).

Like in villages, neighbourhoods in many old towns and cities in India tended to have housing organised by caste or religion. Here, the neighbourhood was an extension of both kinship and caste/religious group (*biradari*). Central to this, as I discuss later, was the idea of legitimacy and social control. Although the composition of neighbourhoods has changed dramatically, neighbourhoods remain a strong influence in everyday life, not least because of the sensorial intimacy a neighbourhood brings. The sights, sounds and smells mean that neighbours often know intimate details about those who live near them—they hear quarrels, smell what is being cooked, see who visits and when, and so on. It is this sensorial intimacy and equally a shared sensorial landscape in everyday life that make the neighbourhood such a powerful influence in people's lives. As I discuss below, neighbourhoods are constituted through a variety of practices, including reciprocity, friendship, worship, control or violence. Equally, they are constituted by memories of the past and desires for the future (Donner and De Neve 2006). The circle of who one considers a neighbour varies and points to how neighbourhoods need to be seen as entities that are constituted in everyday life through proximity and friendship, caste or political ideology and are shaped through particular non-everyday events such as political killings or communal violence.

AN INTRODUCTION TO TWO NEIGHBOURHOODS IN THALASSERY

Several neighbourhoods in the Thalassery town have a concentration of specific castes. This is especially true for areas with a well-known temple associated with a caste group.⁵ The analysis that follows is based on two neighbourhoods in which I did intensive fieldwork over 18 months between 1996 and 1998. Since then I have returned regularly on short visits. One neighbourhood that I call Pattamkundu is in the municipality area of the town and the other, which I call Devaloor,⁶ is in the neighbouring village area. Both neighbourhoods have a large population of Thiyyas,

⁵For example, the neighbourhood around the Thiruvangad Sree Rama temple is predominantly Nayar, while the neighbourhood around the Jaganatha Temple is predominantly Thiyya.

⁶Following standard anthropological practice, both names of neighbourhoods have been changed to protect the identity of the people I write about.

a caste group that has been the focus of my research in Thalassery.⁷ Both neighbourhoods have a mixed class composition, although this is more so in Devaloor. Pattamkunnu in particular has a mix of Hindu castes and a sizable Muslim population, plus a few Christian households. Devaloor, which is centred on a temple, tends to be predominantly Thiyya, the caste that manages the temple, although this has changed with the partition and sale of properties.

The urban neighbourhood, Pattamkunnu, has on average larger house plots with several large houses which used to be matrilineal joint family (*tharavad*) houses. Most houses have compound walls that mark one house compound from another. In 1996, houses in Devaloor were closer to each other, very few had compound walls and paths often passed right in front of houses, resulting in a greater visibility and greater interactions. When people walked past houses they generally greeted the person sitting outside on the *kolai* or at a shop calling out '*varate*' or '*pote*' (asking permission to go and return). In the mornings, when women were in the kitchen cooking and cleaning, there was often more than one person who stopped by as they walked back from the local shop or from the bus stop. They would have stopped to chat and exchange news, including of what fish they had bought that day. Moreover, in Devaloor there were stronger kinship networks as a result of the partition of property among kin over several generations.

RECIPROCITY, LEGITIMACY AND SOCIAL CONTROL

In both neighbourhoods in Thalassery neighbours were considered very important. There were strong networks of reciprocity and support which became evident at weddings, in the event of a death or other significant events at which neighbours could be seen helping out. For example, before a wedding the tent outside the bride's or the groom's house was generally constructed by young men in the neighbourhood. They would arrange the chairs and tables hired for the occasion and would serve food at the wedding and at the events that took place before the wedding, that is, the

⁷The Thiyyas are a numerous caste group that traditionally ranked below the Nayars and suffered the injustices and disabilities of caste. As a result of educational opportunities opened by the Basel Mission and the British in Malabar, several Thiyya entered in to modern bureaucratic jobs by the early twentieth century.

nischeyam, when the marriage is finalised, and on the day before the wedding, when guests who were unable to attend the wedding paid a visit.⁸

Women from the neighbourhood would come to help grate the large quantities of coconut and then grind it with other ingredients. At the wedding, they would sing songs about North Malabar's history and heroic figures (*vadakan paattu*), and a plate with an oil lamp lit on it where people would put money would be placed next to them. This can still be seen today; now, however, in addition to getting the money on the plate, these women are also paid by the hosts. One important change that has taken place is that a number of tasks that used to be done by neighbours are now performed by professionals. Professionals are often called in to perform tasks such as setting up the tent and serving food. Neighbours remain, however, actively involved. This is particularly the case in Devaloor, where neighbours do not construct the tent themselves but supervise the work.

Neighbours also play a crucial role in the event of a death in the neighbourhood—they put up the tent, serve water or tea, help with arrangements for the cremation or burial and so on. Madhavi, a respondent in her late 60s, told me about how when her neighbours were having their house renovated, she had made tea for the workers every day. People also recognise the importance of neighbours at times of crisis, when neighbours are the ones who will be close at hand. Madhavi also said that when her son died suddenly, the neighbour's daughter stayed in the house with her for over a month. The neighbours made all the necessary arrangements, including cooking and bringing the food to them. While discussing her relationship with her cousin (MZD), Madhavi commented that sometimes neighbours help more than relatives. Reciprocity between neighbours then characterises these neighbourhoods, particularly in Devaloor.

This reciprocity was evident not only in the help with arrangements at important events or in moments of crisis but also in contributions towards expenses. At weddings, for example, a table would be set up just outside the house. On the day before the wedding (*thalay divasam*), neighbours and friends who visited would give money to the person at the desk, who sat there with a notebook and an oil lamp. The amount given was written down in the notebook or paper and announced (into a microphone, when I witnessed this in 1997). The notebook was kept safely in the house and when there was a wedding in another house, people would make sure that

⁸In a bride's house this was also the time when an odd number of relatives of the groom come with all the clothes the bride will wear for her wedding.

they reciprocated with the same amount or a little more. In the 1990s, in the Thalassery area, the amount given was often not announced, even though it was written down. In many houses, no table was set up outside the house and money in an envelope was given to the bride or groom or to one of their parents. After the wedding, the amount given by each person was written down in a notebook, so that it could be reciprocated with the same amount or more, but never less.

This also applies to house warmings. In Devaloor, I was told that often even when a new house was incomplete, the person or family would decide to have a house warming (*veedu kudil*) so that they get some money to pay for further construction or to repay loans taken for the construction. There was also a system by which a person who needed financial assistance would invite neighbours to what was called a *payattu*, at which financial assistance was sought. Those who came were offered some refreshment, although refreshments were limited, I was told, because the person was 'hard up'. A lamp was lit and participants gave what they could afford to lend.⁹ Once again, when someone held this kind of feast in order to seek financial assistance, those who had received from him were obliged to give at least as much. Such feasts were no longer common in the 1990s. Bank loans have replaced the role played by neighbours in this respect. In short, to some extent, bank loans and professional services have undermined the constitution of the neighbourhood as an interdependent moral community in the Durkheimian sense. This changing context also influences the ways in which a neighbourhood is a site of legitimacy.

The presence of neighbours both at a wedding and before, when the wedding is being fixed and negotiated, is considered to be critical. It is important to inform certain relatives and obtain their approval, specifically, the head of the bride or groom's mother's *matrilineal tharavad* (the *karanavar* or *uncle*), or the *karanavar* on the father's side or the brothers and sisters of the bride and groom's parents. It is also important to inform some of the neighbours and seek their approval.¹⁰ Moreover, at the *nischeyam* (the day at which the wedding date is fixed), it is considered important to have the presence of an immediate neighbour who is not a relative (generally a man) in addition to that of an elder in the neighbourhood (*nattu mukhyasthan*) who actually conducts the meetings and the negotiations

⁹The oil lamp that was lit to attach a sacred element to this gesture of reciprocity.

¹⁰Even when a decision has been made, the deal is presented as though it needs approval. This is one way of showing respect and seeking a person's involvement.

over the date, time and so on. At the marriage ceremony, when there was no priest,¹¹ it was the *nattu mukhyasthan* who conducted the marriage.¹² The presence of neighbours is important in legitimising the marriage ritual and in defining what customs are followed. At the weddings that I witnessed there was constant discussion about local customs; I often heard people say, ‘In our place we do it like this’. These practices locate a house firmly within a neighbourhood and are often an expression of customs of the specific caste in the local setting. As Adrian Mayer (1960) has argued, the effective unit of the caste is the local unit. In more mixed neighbourhoods, the articulation of custom may be less in terms of the neighbourhood and instead in terms of family, caste or place of origin. In the neighbourhoods under study, the presence of the local elder, the articulation of local custom and the importance of neighbours as witnesses point to the importance of the neighbourhood as a site in which legitimacy is sought. If reciprocity and support were part of the social fabric that included legitimacy and legitimation in the neighbourhood, then social control was equally part of this complex. I turn to this below.

As I have pointed out in the opening paragraph to this chapter, *Natakar enna parayum?* (What will the neighbours say?) was a comment I often heard while doing fieldwork. The stories I was told often mentioned neighbours ‘talking’, ‘gossiping’ and ‘advising’. Neighbours always appeared as important players not just in terms of support but as a group that controlled, a group that was the guardian of norms and rules. The neighbourhood was the site in which people exercised control and censured those who did not act according to dominant ideas of morality. It seemed that in the neighbourhood’s everyday life ‘comments’, gossip or rumours sought to regulate, to control.¹³ One day while talking to Priya, an unmarried

¹¹ Prior to Sree Narayana Guru’s reforms in marriage ritual there was no priest and the ceremony would be conducted by a local elder.

¹² In practice, the *nattu mukhyasthan* was a neighbourhood elder from the same caste of the bride’s family. Significantly, during the anti-Brahman movement in Tamil Nadu substantial changes in terms of caste organisation took place at the level of the neighbourhood. Kathleen Gough (1971) described the changes in the nature of the street, such that earlier, for example, at weddings, the headman of the caste communities of the bride and the groom would witness the exchange of gifts and check that the amount of bridewealth corresponded to that promised when the marriage was being agreed. By the 1950s, when Gough did her fieldwork in the multi-caste street in Kumbapettai, the headman of the street was witness to the exchanges and promises made at the final meeting to arrange the marriage despite the fact that each caste was still endogamous (Gough 1971: 41).

¹³ See, for example, Besnier (2009), Nakassis (2010) and Ong (1987).

woman in her 30s in Devaloor, about how beautiful the *chuttuvilakku* at the local temple was (when all the oil lamps are lit), she said she and her sisters had once gone to see it at night. They were the only women there and were asked more than once if they were sponsoring the *chuttuvilakku* (*'ningal kaipikan ondo?'*). She expressed a sense of shame at that question *'...namukku kuravu ayi poyi'* ('this made us feel small [...] feel shame'). The implication of this question, as someone else explained to me later, was that women would be there at night *only* if they were sponsoring the lamps being lit in the temple. In other words, what was being questioned was why these women were there at night, thus providing a clear articulation of the boundaries that women should not cross.

A strong normative idea of dress and adornment, body language and interactions has shaped the production of the 'respectable woman' in everyday life in Kerala.¹⁴ This respectability is an everyday performance and, as sociologist Geer Litton Fox says, 'Normative control ensures continual compliance' (1977: 812). The neighbourhood and by extension spaces outside the neighbourhood through the presence of neighbours, kin and others who are recognisable make these spaces ones in which women are constrained to perform respectability. Failing to do this brings censure or even the fear of violence.

The importance of the performance of respectability and a 'good reputation' in the neighbourhood was underlined by the fact that a large number of marriage proposals emanated from local social relationships. Moreover, in the event of a proposal for a man or a woman, each side would make enquiries among people in the neighbourhood. When a proposal came for Madhavi's daughter, a relative of theirs went to the neighbourhood and chatted with some men in a tea shop who confirmed that the house the prospective groom's family lived in was owned by them and also confirmed the jobs of various family members. Similarly, the prospective groom's family had also made enquiries from people in Madhavi's neighbourhood. While this is done on both sides, a good 'reputation' in the neighbourhood was considered far more important for women.

At the same time, while many elderly men who belonged to well-known matrilineal joint family houses (*tharavads*) saw the neighbourhood as a

¹⁴For a visual flavour of both sex segregation in everyday life and the performance of respectability, see Mukhopadhyay (2007). For a discussion of the play of respectability in the political life of women, see J. Devika and Benita V. Thampi (2012). See Phadke (2007) for a discussion of Mumbai.

space in which they commanded respect based on their age (a traditional authority) and could reprimand youngsters seen as breaking norms, such admonitions were now more circumspect than they used to be. This change is partly a result of a greater atomisation in the neighbourhood in which people are reluctant to interfere in other's matters but also because of the competing sources of legitimacy based on, for example, political affiliation, family and kinship ties, or a strong awareness of constitutional rights. I explore this further in the next section.

DISPUTE RESOLUTION

The neighbourhood as a space in which legitimacy is established or garnered changed dramatically through the twentieth century. Until possibly the 1930s or 1940s, there were caste groupings in clusters of administrative units where the eldest male from large and prestigious matrilineal joint family *tharavads* (houses or kin groups) would hold meetings and hear civil and criminal cases (Murkoth Kumaran, quoted in Kunyappa 1975). Depending on the nature of the offence people were fined, punished or in some cases excommunicated. In this sense, the local level was the effective unit of the caste and of caste control—the geographic size of the unit deciding the case seems to have depended on the nature of the case (Mayer 1960).

In Devaloor, a space in the temple complex called the *kuttil* was used to hear disputes. In a case of the 1930s that I heard about, a man, Chattu Menon, had been excommunicated and barred from entering the *kavu* (temple) because he organised inter-dining at his house with Pulayas, a deprived caste with whom inter-dining was prohibited. Chattu Menon is believed to have approached the colonial courts but failed to have the order revoked, as the courts pronounced that the temple was run by a trust and was not under government control. The dispute management system thus upheld caste rules, which were reproduced through exemplary punishments. It is unclear when exactly this system disappeared. Several people have suggested that it was with the growing influence of the secular law courts that this system of dispute management dwindled in influence and then ceased. The space in which disputes were heard and sought to be resolved is now only used for a ritual during the annual temple festival.

However, in some cases attempts are made to resolve problems at the local level. Party leaders play an important role in this. In Kerala, the

neighbourhood has been an important unit for political organisation and this has been strengthened by the fact that Kerala has one of the best-established systems of local government in the country.¹⁵ Political parties have local organising committees that play a key role in dispute settlement—most often in a way that privileges the party loyalist. How much authority they are able to wield depends on who is in power at the state government and who is in power at the centre.

It is significant that since the first communist government in Kerala in 1956, the neighbourhood has been an important unit not only of party organisation but also of ideological and developmental influence. For example, the library movement, which went hand in hand with the literacy movement that brought near universal literacy in Kerala, was centred on the neighbourhood. Although libraries are believed to be less active now than they used to be, they still attract a significant number of people who read the newspapers and the magazines held there.¹⁶ Most libraries now also have a television placed outside the building broadcasting the news and important football and cricket matches.

In recent years, the government has run at the level of the neighbourhood a poverty eradication programme centred on women called *Kudumbashree* (Devika and Thampi 2012). Although I cannot elaborate on this here, I would like to stress that houses in a neighbourhood are united not only in their relationship to, say, a local temple, as in Devaloor, but also in terms of ‘secular’ aspects of everyday life, such as politics, and in this local-level political players play an important role by settling disputes and providing assistance of different kinds, which helps them garner support.

POLITICAL ALLEGIANCE AND NEIGHBOURHOODS

Party affiliation is one fault line in Kerala’s neighbourhoods. This is more evident at certain events. During elections, parties set up tables outside the polling booth. Each party has the electoral list and party loyalists from the neighbourhood identify people so that they know how many people have

¹⁵ Kerala was the first state in India to have a democratically elected communist government (first voted to power in 1957).

¹⁶ The scene of a daily casual wager reading the newspaper on a veranda during his tea break is distinctive of Kerala.

voted.¹⁷ In the conversations that I had with local people it emerged that there was a clear understanding of the party affiliation of houses in the neighbourhood and sometimes there was anxiety about a possible switch over by the younger generation.

This party affiliation is crucial in understanding dispute outcomes. In the 20 years since I first started fieldwork, the number of vehicles owned by people in the neighbourhood has multiplied. Everyone now wants the road that leads to their house to be broad enough for a car. As a result, the local *panchayat* (governing body) is petitioned to build such a road or money is pooled to do so privately. The party may be approached and local party members or loyalists may be called upon to ‘persuade’ someone to part with a bit of their land in order for a road to be constructed.

The neighbourhood units of political parties tend to prop up ‘big men’¹⁸ who create competing circles of legitimacy. In areas dominated by one political party, party members may use greater strong-arm tactics. Writing about clashes between party cadres of opposing parties, Ruchi Chaturvedi states:

...[L]ocal politics ...is also about which group appears to be a major force in an area, which group has greater visibility and say in people’s everyday lives, whose name is displayed during neighbourhood commemorations and festivities, who are people compelled to turn to in times of need, and who becomes their means of accessing different structures of power. In this terrain of the local, alliances are made, friendships are forged, loyalties are produced, rivalries are generated and young men from various political parties become a force trying to steer residents in the direction of one group or another. (Chaturvedi 2017)

This brings out well the way the workings of a political party intersect with local youth cultures and produce neighbourhoods in distinct ways.

In recent years, north Kerala has been in the news for political killings across party lines—primarily involving cadres of the Communist Party of India (Marxist) [CPI (M)] and the Hindu nationalist parties RSS-BJP. This political violence, particularly in the Kannur district, has a long history that goes back to the 1960s (Chaturvedi 2015). Chaturvedi argues that the political culture is one driven by a majoritarian impulse—an ‘impulse

¹⁷The less said the better about other processes that can follow from this process of identification!

¹⁸See Pardo (1996) on the working of ‘big men’ in a neighbourhood in Naples.

to become major and make minor' (2017). This political culture is an expression of Malayali masculinity at the local level, but it is undoubtedly also a feature that extends to other parts of India. I would argue that revenge and a drive for masculine possession (of power, people or goods) seems to fuel a cycle of brutal violence that is not restricted to killings among political rivals.¹⁹ The language of martyrdom then sets up a parallel code of legitimacy for violence or retaliation at the local level, which may extend to different levels of political circles: the state, national or international.²⁰ Below I look briefly at a way in which this violence has constituted neighbourhoods in Devaloor.

In 2002 in one of the spates of killings, a young adult who played in the neighbourhood football club was murdered by party opponents. Several young men were found guilty of homicide and are serving a prison sentence. In 2010, the people I interviewed in the neighbourhood library and football club all spoke in veiled ways about how the football teams had gone and young people were no longer playing in the football club. Young people were gathered there to watch a world cup match, but there were policemen outside, nervous about possible clashes between fans of different countries. After the 2002 killings, the neighbourhood was an altered space. The sense of horror and sadness that local people expressed about the killings, particularly pointing to the great loss for the young men's families, contrasted with the legitimacy given by the respective parties to these killings.

SHIFTING AND CONFLICTING IDEAS OF LEGITIMACY IN NEIGHBOURHOODS

In the everyday life of the neighbourhoods that I discuss here, the legitimacy sought from neighbours appears as part of a fabric comprising reciprocity, support and social control. These ties bind people together in varying degrees, depending on the nature of the neighbourhood and particularly on the overlap between the space of the neighbourhood and caste/religious identities.²¹

¹⁹In recent years a similar violence in different parts of the country has been unleashed against women, minorities or Dalits.

²⁰In Devaloor which has a long history of political activism, there are several memorials to people who have been martyred. These memorials may comprise a bust of the person or some other construction or may just be a bus stop dedicated to the memory of the person.

²¹As discussed earlier the effective unit of the caste was the neighbourhood.

The circle of neighbours from whom legitimacy is sought at the time of fixing a marriage alliance and as witnesses at a wedding varies over time and is based on several factors, such as proximity, the nature of everyday interactions and the length of relationship with the family. However, the fear of gossip expressed in the statement ‘What will the neighbours say?’ related to a wider circle of neighbours. This sense of needing to seek moral legitimacy from neighbours was not embodied equally by all in the neighbourhood and was articulated more often by the older generation than by the young. The everyday sensorial intimacy, characteristic of neighbourhoods, in which neighbours saw each other often, witnessed the comings and goings to a house, heard sounds or smelled what was being cooked is critical to the everyday influence of neighbours.

The considerable changes in the fabric of neighbourhoods throughout the twentieth century and up to today are partly a result of their changing structure but also of social, economic and political changes. One significant change has been in the nature of reciprocity for, as we have seen, several functions that used to be performed by neighbours have been professionalised.

In Devaloor, the mechanisms of caste-based systems of dispute resolution were substituted by secular law courts. Both there, and in Pattamkundu in the more strictly urban neighbourhood, informal dispute mechanisms have emerged in the neighbourhood based on party lines. In addition to this, membership of civil society groups, Sree Narayana Guru neighbourhood committees or welfare associations in the newer neighbourhoods brings about intersecting circles of sociality and of legitimacy. Thus, we observe conflicting and often competing informal structures of authority at the neighbourhood level.

Recent events in India driven by communal and caste politics are a reminder of the precarity of neighbourhood solidarities and of the lurking potential for neighbourhood spaces to be dramatically transformed overnight.²² This invites the reflection that, when looking at dynamics of legiti-

²² See, for example, Pardo (1996) for a description of the twists and turns of everyday relationships in a neighbourhood in Naples highlighting not only everyday conflicts but also uncertainties that characterise neighbourhoods. For a rich literature on how violence reconstitutes neighbourhoods in multiple ways (see, e.g., the work of Das 1990 and of Chatterji and Mehta 2007) and how neighbourhoods come to be constituted through memory post-violence (Arif 2009). For example, Chatterji and Mehta describe the way the communal violence of 1992–93 in Mumbai ‘reconstituted the neighbourhoods on the basis of religious affiliation, emptying them of occupational and religious solidarities’ (2007: 16).

macy it is important to address both what makes up the knitted fabric of reciprocity, support, social control and legitimacy and the multiple influences and events that influence the redrawing of lines in a neighbourhood, marking who is considered a neighbour and who is not. Thus, a shared reciprocal moral community may be dramatically altered through influences that may be local, trans-local, national or global. They may occur through face-to-face interactions or mobilisation, and/or through media campaigns which communicate dominant ideas of social justice or divisions. Equally, vigilante groups may assert ideas of sexual morality, of who can marry whom or socialise with whom. In both North and South India, caste or religious groups have sanctioned ‘honour’ killings at the local level in spite of the Constitution of India which allows freedom of choice in [heterosexual] marriage. Equally the legitimacy of these groups and the support state institutions may give them have been contested by civil society groups and movements.²³ In each of these cases, we are reminded of the significance of multiple circles of legitimacy (organised by caste, associations such as Resident Welfare Associations, political affiliation or muscle and money power, including the power of the gun) that intersect and may be in conflict with each other or with the state (see, e.g., Boucher 2018; Hurtado-Tarazona 2018; Pardo 2018).

TOWARDS A CONCLUSION

An ethnographic description of neighbourhoods in North Kerala points to how they are an important space of social influence in everyday life. This is true in spite of the considerable heterogeneity of neighbourhoods. While the neighbourhood is an important space of support, control and legitimacy, the discussion above has pointed to the complexity of the concept of legitimacy as understood in everyday life in a neighbourhood.

Though a discussion of the sociological significance of the recurrent comment, *Natakar enna parayum?* (What will the neighbours say?), this chapter points to the way neighbours ‘talk’, ‘gossip’, ‘advise’ and enforce norms and rules. Here then, to varying degrees the neighbourhood emerges as the place where people censure those who do not act according to legitimated ideas of morality. The study of processes of change in neighbourhoods over time indicates the culturally and historically specific

²³This was the most starkly played out in a recent case in Kerala in which an inter-faith marriage was made controversial.

conceptions of what is legitimate and what is not. Furthermore, the neighbourhood throws up competing sources of legitimacy and different processes of legitimation. In line with analyses of legitimacy (Pardo 2000; Pardo and Prato 2018), it has emerged that different groups of people subscribe to different and multiple centres of legitimacy in the local. Legitimacy then does not emerge as a zero-sum game as argued by Andrews (2018) but instead power is conceptualised as having multiple centres depending on the context.

At the neighbourhood level then, sources of legitimacy and processes of legitimation should be understood as key aspects of a fabric that supports everyday life and social relations, with both reciprocity and social control also making up this fabric. Thus, even though professionalisation has brought about changes in the nature of reciprocity in the neighbourhood (i.e., of financial assistance and exchanges of help), the proximity of neighbours in moments of crisis still makes them important in everyday life. Thus, in spite of dramatic changes in neighbourhoods, particularly in relation to their social composition, the continued reciprocity and interaction, even if much less, and the everyday sensorial intimacy of neighbours mean that neighbourhoods remain important spaces in which legitimacy is sought. However, as discussed, the fabric of everyday life, of which legitimacy is a part, may be influenced by dynamics at different levels—local, trans-local, national and global. Sadly, recent incidents of caste or communal violence in India show that the influence from these different levels may lead to challenging the legitimacy of the very presence of some neighbours and highlights the precarity of neighbourhoods in everyday life.

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Privatization of Urban Governance and Legitimacy Disputes in a Social Housing Megaproject in Soacha, Colombia

Adriana Hurtado-Tarazona

A NEW CITY IN A ‘FAILED MUNICIPALITY’

For anyone who has passed through Soacha, it would be clear that something must be done. Located just outside the southern border of Bogotá, the Municipality hosts people and activities that cannot afford to be hosted in the capital city. Therefore, its population grows faster than any other municipality in the country.¹ Soacha suffers from the continuous arrival of displaced people, serious security problems, deficiencies in public services and transport, pollution and congestion. The lack of economic resources,

¹ Soacha had a population of 330,000 inhabitants as per the last official census of 2005. In 2017, an unofficial census carried out by the Mayor’s office counted 1,030,000 inhabitants in the Municipality.

This chapter is based on the fieldwork that I conducted for my doctoral thesis, funded by Colciencias and the Foundation for Urban and Regional Studies (FURS).

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_7

combined with a historically corrupt local government, has resulted in low quality of life of the burgeoning population.

Soacha is currently undergoing a new wave of demographic growth due to the development of several housing megaprojects in the Municipality, many of which have been promoted by the National Government. These projects are expected to double the local population, thereby increasing manifold its residents' need for infrastructure, services, accessibility and facilities and deepening Soacha's dependence on Bogotá. Moreover, in the absence of formal instances of metropolitan management and governance between Bogotá and Soacha, these projects suffer from serious problems of legitimacy. As the former Mayor of Soacha told the local press, 'We are meeting the need for housing in Bogotá and we should receive more than just a pat on the back' (Villamarín and Sáenz 2015). In the words of its current Mayor, Soacha is a 'ticking bomb' (*Revista Semana* 2017).

The largest of these housing megaprojects is Ciudad Verde, a planned community with 49,000 homes that has been under construction since 2010. Although it is aimed at middle- and low-income households, the project is being designed and promoted under a logic similar to that of high-income gated communities comprising modern, enclosed housing complexes with ample green spaces, security, amenities and communal services. This would be a 'city inside the city,' where residents would achieve 'quality of life' (Srivastava 2012; Low 2003; Álvarez-Rivadulla 2007; Girola 2005; Demajo Meseguer 2011; Cabrales 2001; Caldeira 2000). The development is aimed at replicating middle-class housing in a peripheral location to cater to those growing out of poverty and enabling them to achieve the 'dream of homeownership.' However, residents of Ciudad Verde do not identify themselves as inhabitants of Soacha: 80% of them previously lived in Bogotá and still work, shop and socialize in the capital; most continue to vote in Bogotá and remain registered in the capital's health system (Pulido 2014)—often reporting the home address of their relatives as their own. Some residents even identify themselves as *citoverdinos* to distinguish themselves from the inhabitants of Soacha (*soachunos*) (Fig. 7.1).

To address the problems arising from living in a 'failed Municipality' managed by a local government that does not deliver to its citizens, Ciudad Verde was designed to function as a separate entity through private governance strategies. A group of delegates from each apartment complex, managed by representatives of the real estate developers, *Agrupación Ciudad*



Fig. 7.1 Ciudad Verde's entrance. (Photo by author, February 17, 2013)

Verde, privately manages and funds the maintenance of the public spaces (roads, green spaces, bikeways, parks and plazas) of the planned community. In each of its 49 apartment complexes, a building administration collects monthly fees to maintain the common areas. It also enforces the residents' compliance of the rules that are established in the 'coexistence manuals,' which are supposed to be agreed upon and written collectively by residents and are, in legal terms, part of the 'Horizontal Property' law in residential condominiums.²

For most residents, this is the first time they can be both the rulers and the ruled, as allowed by the Horizontal Property law. Thus, issues of authority, responsibility and trust are no longer the prerogative of the government. So, how do the residents experience legitimacy? Drawing on a 12-month ethnographic fieldwork amongst the residents of Ciudad Verde in Soacha, I analyse how ordinary people engage in legitimacy disputes in their daily lives. I consider Ciudad Verde as a new social world

²The 'horizontal property regime' is regulated in Colombia by National Law 675 of 2001, and it applies to all residential units that have any communal properties or assets (which currently constitute 70% of the residential properties in Bogotá).

where most rules are still being created and agreed upon, which makes this an ideal setting to witness in real time how ‘people are challengingly engaged in negotiating the terms of their citizenship’ (Pardo 2000: 7). By observing the ‘strong continuous interaction’ between the material and the moral aspects of ordinary people’s lives (Pardo 1995, 2000) and the ways in which people superimpose their social experiences on the available social, political, cultural and legal matrix, I trace the emerging moralities that engender a specific arrangement of legitimacy in this setting.

This chapter starts with a description of the context of my ethnographic case, with specific reference to the national project of a ‘new middle-class’ formation through a housing policy that promotes homeownership in the private market, to the governance levels in Ciudad Verde, and to the main conflicts that mark these levels. Then, based on ethnographic material,³ I discuss how ordinary people’s experience of legitimacy in Ciudad Verde relies on both rule enforcement and rule-disregarding tactics with the aim of achieving a desired middle-class status and overcoming structural limitations. The final section points out some implications of these emerging moralities, not only regarding legitimacy and governance but also the possibilities and limitations that they pose to agency, citizenship and social life.

THE CONTEXT

Emerging Middle Classes and Private Housing in Colombia

In Colombia, the official discourse of the government and the financial sector uses the term ‘middle class’ in a perspective that is limited to an income range and a certain capacity for consumption. The emerging middle classes neither possess the educational level nor the working conditions of those who are commonly seen to be part of the ‘global middle classes’ (Heiman et al. 2012). In addition, they are generally poorer and ‘darker’ (Dávila 2016). They, however, have a growing capacity for consumption of goods and services, which is partly due to credit expansion and ‘bottom-of-the-pyramid’ enterprise marketing strategies to capture new social sectors or ‘emerging markets’ as consumers (Beuf 2012; Kopper 2015).

In many Latin American countries, the formation of the middle classes is evoked to justify interventions such as urban megaprojects and shop-

³Interviews with residents, informal conversations, observation in public and private spaces, and observation and participation in Facebook groups and pages (of Ciudad Verde and of its condominiums).

ping centres (Dávila 2016). This is precisely what has happened at the outskirts of Bogotá, where housing for the emerging middle classes has been built in the form of large gated apartment complexes—the predominant residential form for the urban middle and even upper classes—in areas historically occupied by informal settlements and small-scale businesses. The private sector constructs these housing units and sells them to the residents with a mortgage loan. To help the lower and lower middle-income households to achieve the ‘dream of homeownership,’ the National Housing Policy aids home buyers with a partial public subsidy, classifying these privately built and mostly privately financed apartments as ‘social’ housing in the Colombian market-oriented housing policy.

Although Ciudad Verde’s homeowners are different in their residential and class trajectories, visions of the present, and expectations for the future, they have at least one experience in common—they can fulfil ‘the dream of homeownership’ through the consumption of a certain residential space within the social and spatial geography of status in the city (Fleischer 2010). This, in fact, makes them part of a group that differs from ‘the poor’ because access to a home in the formal market is still elusive to lower-income sectors and workers in the ‘informal sector’ in Colombia (N. Cuervo and Jaramillo 2009). Being a homeowner in the formal market in planned housing projects such as Ciudad Verde entails, to a greater or lesser extent, being part of a middle class in formation.

Governance in Ciudad Verde: Beyond the Public-Private Dichotomy

In Ciudad Verde, there is a deficit of legitimacy at all levels of governance. In the public sphere, there are three main agents, namely, the Municipality (Soacha), the National Government, and the Capital District (Bogotá). Soacha, according to the Colombian decentralized system, has the autonomy to determine land uses and the responsibility of providing public services and urban facilities in its territory. However, as I mentioned earlier, the municipality’s capacity to provide urban services is limited. In principle, the National Government does not play a relevant role in urban governance, but in the context of housing megaprojects, the Ministry of Housing superseded the municipal land-use plan to allow the development of a former rural terrain and made the construction of Ciudad Verde legal (these kinds of megaprojects were later sued and considered

unconstitutional, but the legal status of Ciudad Verde was retained). The fact that Soacha is conurbated with Bogotá, practically a suburb, also causes the Capital District to intervene in the provision of the public services that Soacha does not provide. Although the National Government's and the Capital District's administration joined efforts to extend the bus rapid transit system from Bogotá (Transmilenio) to Soacha (Hurtado-Tarazona et al. 2014), the residents of Ciudad Verde cannot fully access the system as the feeder buses are still restricted to the municipal perimeter of Bogotá. This led to the origin of one of the 'illegal but legitimate' practices that I describe later, namely, the 'pirate vehicles.'

The situation is also complex for the private sphere—the apartments are privately owned, but the housing complexes operate within a 'horizontal property regime,' which in other countries is known as the condominium model.⁴ In this model, which takes elements from the utopian ideas of the 'Garden City' by Ebenezer Howard (Caldeira 2000), common areas and common goods are collectively owned and managed by an administration that collects contributions from homeowners for maintenance and investments in communal assets. In addition to the disputes with respect to the definition of what is or is not allowed in the common areas, many residents perceive administrators as untrustworthy and feel apprehensive about letting them manage the common budget, which has caused its fair share of conflicts and administrators' turnover in most condominiums.

In Ciudad Verde, there is yet one more level of governance between the public and the private. The megaproject is not a large gated community but rather an urbanization that is composed of a series of small gated condominiums. Therefore, parks, green spaces, and roads for cars, bicycles, and pedestrians are still considered to comprise public space. Consequently, the *Agrupación Ciudad Verde* was then created as a compulsory association, which, through a monthly contribution from each owner (of less than US\$2), would raise funds to maintain public spaces and manage community projects and activities. In this sphere, which has an ambiguous status between the private and the public, all kinds of problems and disputes arise. For example, some residents refuse to pay the *Agrupación* membership fees because they consider that they are paying twice for a service that should be public (in the case of garbage collection and maintenance of green spaces). In addition, they claim they have no obligation to join the associa-

⁴ See Glasze et al. (2006) for an overview of this type of private residential developments around the world.

tion because the homeowners' consent was not sought (it was 'hidden' in a clause of the home selling contract). Others claim that if homeowners do not take the maintenance of cleanliness and order of public spaces in their own hands, the Municipality, due to its incompetence, would not do anything, thereby resulting in the deterioration of the parks and public spaces, just as it happens in the rest of the public spaces of Soacha, leading to the consequent devaluation of Ciudad Verde.

The result of this deficit of legitimacy at all levels of governance in Ciudad Verde is that seven years after its inauguration, Ciudad Verde looks and feels different from what was envisaged (and advertised). Noise from neighbours is overheard in adjoining apartments, clothes are hung in the building's windows, public spaces are enjoyed not only by the smiling families that had been predicted in the project's advertising but also by youth 'gangs' and street vendors, and trash is visible in green areas and graffiti on walls. There is still not enough public transport available to reach Bogotá, and the availability of health facilities has been delayed by over four years. Therefore, residents engage with the failures of the municipality and the unfulfilled promises of real estate developers in their terms, through daily practices that challenge the divisions between legal/illegal, formal/informal, and legitimate/illegitimate.

In a variation of what Pardo and Prato (2011) posed, the practices I analyse in the following sections are not based only in a gap between the ruled and the rulers as two sides of a spectrum. As in this context, ordinary people have, for the first time, the opportunity to be both the ruled and the rulers, practices such as the 'criminalization of actions that are widely regarded as legitimate' (Pardo and Prato 2011: 2), which are described in the next section, are carried out not only by 'the rulers' as a separate sphere but also by the residents themselves. Thus, by analysing how ordinary people engage with gaps in legitimacy at different levels of governance in their daily experience and by tracing the emergent moralities that result from this engagement, we can gain a better understanding of the contemporary configurations of citizenship and social life. As stated by Comaroff and Comaroff, 'Ours, after all, is an epoch—if not the first, then certainly the latest—in which law-making, law-breaking, and law-enforcement are especially critical registers in which societies construct, contest and confront truths about themselves' (Comaroff and Comaroff 2016: xii).

LEGITIMACY IN CIUDAD VERDE: BETWEEN RULE ENFORCEMENT AND RULE DISREGARD

Three interlinked processes coexist in the residents' experience of legitimacy. The first concerns the ways in which some practices that are legal, such as hanging clothes on windows, become illegitimate through the acceptance and promotion of aesthetic and behavioural restrictions that mark the horizontal property regime. The second process concerns illegal practices, such as pirate transportation and commercial activities inside the apartments, which become legitimate to overcome structural limitations. The third process involves moral disputes amongst residents when there is no consensus about the legitimacy of certain practices, such as street vending. In these processes, the (thin) dividing line between legitimate and illegitimate modes of production of livelihoods (Comaroff and Comaroff 2016) and the disputes in defining this boundary have less to do with what is legal or illegal than with an interplay between the moral aspirations and the material needs of the residents of Ciudad Verde.

Rule Enforcement: Aesthetic and Behavioural Regulations

The day when the new homeowners receive their apartments in Ciudad Verde, the construction companies organize a brief meeting in which they explain the basic living rules in horizontal property. Along with the keys to their new home, they also receive an 'owner's manual.' Thus, new residents become 'co-owners' in the predominant and fastest-growing residential form in Bogotá. A couple of months later, when the first homeowners' association assembly takes place, residents should collectively compose a 'coexistence manual' according to the specific horizontal property regulations of the housing complex. Although this often entails copying, pasting and adjusting formats brought from other residential complexes, residents at these meetings discuss what is or is not 'appropriate behaviour' in the condominium and decide on the imposition of sanctions on specific inappropriate behaviours and infractions.

For most of the residents of Ciudad Verde, the horizontal property is a new form of regulating their relations with spaces (communal but also private), with their neighbours and with the entities that represent and manage the co-properties. In addition to the regulatory documents that the residents receive and compose, they must elect an administrator for

each housing complex, who would be the person in charge of verifying that the residents fulfil the regulations and, in case they do not, of imposing the corresponding sanctions. Thus, the administrator is the one who must practically implement the rules, regulations and stipulations in daily life with the cooperation of residents in not only following the rules but also reporting the matter when a neighbour does not do so.

According to the Horizontal Property law, the residents of Ciudad Verde must self-regulate their behaviour not only in public and common spaces but also in private ones. Behavioural and aesthetic restrictions are numerous. In the coexistence manuals of the apartment complexes, the following are the most frequent prohibitions: emitting loud noises, hosting parties in the apartments (the places in which parties can be held are the community halls), hanging clothes on the windows, leaving personal objects like bicycles or pushchairs in communal spaces, placing plant pots or other decorations in common areas, pasting signs on windows, doors, or walls, and children playing outside the designated areas (some condominiums establish maximum ages for using the playground, usually eight years, and prohibit sports—riding bicycles, roller-skating, playing with balls—in the common areas) or after certain hours (some condominiums even have a curfew from 9 p.m. for minors). Some of these regulations also limit individual freedoms through aesthetic restrictions. For instance, in the condominium *Frailejón*, external decoration of the apartments (windows, doors and external walls) is forbidden, and ‘it is only allowed for special occasions such as Christmas, Halloween, or national holidays. However, the administration will seek to coordinate a unified ornament for the condominium.’ Nevertheless, residents often encourage these kinds of local rules that, as I show next, often go beyond the boundaries of law.

Meeting these standards is not always easy and, in this property regime, rules are sometimes more ‘mud’ rules than ‘crystal’ (Rose 1994), which makes the distinctions between legal and illegal and legitimate and illegitimate blur. One example is noise. In private spaces, noise must be kept under a limit that is established by a national law (which sets maximum sound pressure levels according to the time of the day in decibels), and if the limit is not observed, the administration must impose a sanction (which may be a written warning or in case the infringement is repeated, a fine). However, the most common reason for confrontations among neighbours is noise. It is difficult to know whether a neighbour is respecting the legal noise limits. How can a resident know when he or she is

exceeding the maximum level of decibels? These situations end up depending on the degree of tolerance of the neighbours and the type of noise. Many complaints about noise were related to the playing of loud music, and residents often make disparaging remarks about the genre, which, most often, turns out to be music associated with the lower classes (*rancheras*, hip-hop, *reggaeton*, *cantina*, or *cabaret* music).⁵

Penalties for inappropriate behaviour comprise fines or ‘moral sanctions.’ Fines correspond to the equivalent of one monthly management fee (or a proportion of the fee if the coexistence manual classifies the fault as ‘minor’). Moral sanctions are lists with the personal details of the offender (name and surname, apartment number and committed infraction) that the administration posts in visible areas of the condominium. While reviewing how legal these measures are,⁶ I found that the Horizontal Property law allows publishing lists only in respect of defaulting debtors but not for other infractions (Article 30, Congreso de la República de Colombia 2001). It also clarifies that the lists cannot be posted in areas that are easily accessible by visitors. On the contrary, in the condominiums, it is normal to find these lists hanging on the bulletin boards that are located right at their entrance. The coexistence manual of the condominium *Azafrán* even mentions, ‘regulations foresee the inclusion of the names of those who do not comply with these provisions on billboards set in visible places of the buildings, fines and suspension of the use and enjoyment of nonessential common goods and services.’ In the condominium *Violeta*, the manual says, ‘a moral sanction will be applied, publishing on the billboard the names, surnames, apartment number and infraction committed.’ By incorporating these moral sanctions in the ‘coexistence manuals’ of the condominiums, the homeowners’ association contravene the legal framework. Rule compliance, in this case, turns illegal due to hyper-regulation.

Residents are interested in this strict rule enforcement, specifically in the case of visible hanging laundry, as I show in the following ethnographic example.

⁵In another context, Fitzpatrick (2000) also shows how complaints about ‘noisy neighbours’ are class-loaded, relying on the imagery of the noisy working-class life versus the quiet, middle-class life, in which making too much noise comprises an anti-social, selfish behaviour.

⁶As I suspected these could violate the rights to personal privacy, intimacy, and good name, as enshrined in the Constitution.

'Don't Air Your Dirty (or Clean) Laundry in Public'

In my interviews with the residents, the dislike of visible hanging clothes was apparent, even for people such as Mary, a middle-aged woman who lives in the condominium *Manzano*, who recognizes that as she doesn't have enough space for hanging clothes inside the apartment,⁷ she does so near the windows, 'but I open the windows and close the curtains, and as soon as my clothes are dry I take them off.' Gerardo, a resident of the condominium *Palo Rosa*, told me that what bothered him most about his next-door neighbours was that they hung their clothes from the window and that one time the wind had blown one of their garments into his apartment, which, he, in turn, had thrown out of the window in anger. He recalled how 'when they organized the meetings here [the first talk that the construction companies give the new homeowners], they showed us a picture of the *favelas* of Brazil, and next they showed us our new condominium, so beautiful. And they said, "Do you want your home to look like this? No, no, no, let's take care of it". And hmm! The next day this looked like the *favelas* of Brazil.'

In Facebook groups and pages of Ciudad Verde and its condominiums, hanging clothes is one of the most denounced and discussed topics. With pictures and identification data (block and apartment number of the 'offender'), some residents denounce these 'unsightly' behaviours, demanding the levy of the corresponding fines and branding those who hang clothes from windows as people with a 'lack of the culture of horizontal property,' 'barbarians,' or residents with a 'poor people's mentality' who bring those habits with them from 'tenement houses' or from 'the hill' where they formerly lived. They also compare the facades of buildings with hanging clothes with slums or prisons.

In a discussion amongst neighbours who are connected on Facebook, a resident posted a picture of clothes hanging from a window in the condominium Primavera on the official page of the megaproject, qualifying the offender as someone with a 'tenancy mentality' that damages the image of the condominium. Another resident pointed out one item that could be seen from the window, namely, a blanket with images of tigers, which working-class households used to have a couple of decades ago. Another resident asked whether those blankets still existed and one more noted, laughing, 'They do! I thought they were in extinction.' In this conversation, not only

⁷In Colombia, it is not common to own a clothes dryer, much less in lower-middle-class households.

the hanging of clothes was sanctioned but also the social class of those who hung them. The ‘tenancy mentality’ refers to the previous residence—real or imagined—attributed to some residents, and the reference to the ‘blanket of three tigers’ as an object of the past reiterates the reference to a stage that must be overcome to live ‘properly’ in Ciudad Verde. When clothes peek out of the windows, the imagery of popular housing in this modern urbanization also peeks, thereby disrupting the desired middle-class landscape.

This environment of strict regulation, self-regulation and mutual regulation is relevant because of how residents embrace and mobilize the horizontal property regime to differentiate themselves from others. In the discussions among residents, they use the notions of ‘knowing how to live on horizontal property’ or ‘having the culture of horizontal property,’ referring to the notions of civility that are considered necessary for being a ‘good neighbour,’ an inhabitant worthy of the community. In this sense, undesirable behaviours are exhibited by people who lack this ‘culture.’ As a resident puts it, ‘the stratum doesn’t matter as long as the inhabitants of Ciudad Verde comply with the rules of coexistence and apply the citizenship culture. What’s bad is when people who have never lived in condominiums try to retain the lifestyle they were used to, and they are the ones who throw garbage on the floor, do not pick up after their pets, misuse the green areas, hang their clothes near the windows, have no sense of belonging and do not respect their neighbours.’ As Abraham (2018, this volume) states, ‘A neighbourhood is also seen as an entity which controls, censures, and upholds dominant ideas of morality.’

Therefore, what is legitimate here comprises all that is aligned with the middle-class way of life that people aspire to accomplish, that is, living in an orderly, clean place where the division between the private and the public is clear-cut. To a certain extent, for enabling residents to make and comply with the rules, even if it is difficult to adhere to them, is a part of their desire for order and of their aspiration to be included in the formal city and exercise full citizenship. This is why most residents are keen to embrace the ‘growing “contractualization of social relations”, whereby unwritten codes of neighbourly conduct that previously existed, and which were governed by rules of trust and reciprocity, have since been eroded in local neighbourhoods and now replaced with formal and contractual interventions’ (Lister 2006 in Cheshire and Buglar 2016: 732–33). However, this does not mean that social practices in these condominiums are limited to the literal application of rules and contracts. Indeed, in the face of structural difficulties that go beyond the scope of the ‘culture of

horizontal property,' the construction of legitimacy operates in the opposite sense—from creating, enforcing and exceeding rules to accepting certain forms of rule disregard, as we see in the next section.

Rule Disregard: Legitimizing the Illegal

The practices of rule disregard that I found in the residents' daily experience relate to 'actions which bend, sidestep or generally fall below the strictly legal line, but are nevertheless normally undertaken because they pose no serious challenge to the moral and socio-economic order in which ordinary people set their lives' (Pardo 1995: 45). There are two examples in which this kind of rule disregard is clear in Ciudad Verde, namely, the widespread use of pirate transportation and the tolerance of (forbidden) home-based businesses.

Though Ciudad Verde is located outside the urban perimeter of Bogotá, most of its residents commute daily to the capital. Reaching Ciudad Verde requires additional transportation that is not provided by Bogotá's bus rapid transit system. So far, the alternative has been a circular bus route operated by the Mayor's office of Soacha, which is insufficient. Therefore, residents resort to private vehicles that carry residents to and from the Transmilenio station and Ciudad Verde at a fare that is slightly higher than the public bus fare. Although this transport service is not legal, 'pirate vehicles' operate daily, even in the presence of the police, without sanctions (except for a few cases in which the police catch the attention of the car drivers, usually seeking to be bribed for not immobilizing the vehicles).

Amongst residents, there are some who denounce these drivers for charging more than public transport without complying with the requirements of the latter (insurance, hygiene, driving rules and supervision) and consider that they exploit people who desperately need transportation by charging different rates depending on the day and time without maintaining any standard in fares. In response, a driver of these vehicles pointed out that they took risks every day to meet the needs of the community, and that although many drivers had much to improve, the passengers too were not grateful for the essential service that the pirate vehicles offered. However, in general, the residents perceive that pirate transportation is a 'necessary evil' in face of the state's failure on meeting their needs.

The second example is how, notwithstanding the prohibition (in horizontal property regulations and local coexistence manuals) of designating apartments for uses other than residential, there are many apartments in

Ciudad Verde where housing is combined with personal and family businesses. Although the display of signs is also forbidden, signs on the windows announcing in-home childcare services, cooking and delivery of lunch, Internet services, subletting of rooms, tailoring, or multilevel selling are very common. Many also advertise their products and services through Facebook pages and deliver them to other apartments. In my conversations with residents, they recognized that home-based businesses are forbidden. However, they justified this practice by citing the lack of job opportunities or stable sources of income and the great distance to Bogotá's city centre. They claim that families must do their best to eke out a living, especially considering the high costs that are involved in living in the horizontal property.

Take the case of Jesus, who lives in one of the few condominiums of houses in Ciudad Verde and has a bike repair workshop on the first floor of his house in the living room area. He said that he has a growing clientele and makes enough money to contribute to the household expenses. Furthermore, his business allows him to take care of his children while his wife (a social worker and a public employee) is at work. When I asked him whether he had got into trouble for having the workshop in the house, he replied in the negative as his neighbours are aware that his business benefits the community and because many of them use bicycles for transport. The security guards of the condominium do not bother him because he treats them well, gives them a gift for every Christmas, shares food with them sometimes, and repairs their bikes for free.

Pirate transportation and home-based businesses are not legal and could be seen as vestiges of the 'informal' economy that belong to another order, namely, the 'popular neighbourhoods.' However, it is more productive to recognize that 'relational economies' are fundamental for the citizens' urban capacity and for the 'gradual elaboration of earnings, assets, security, opportunity and confidence that characterize an emergent middle class' (Simone and Fauzan 2013: 292). Residents use their new residential situation to generate opportunities for social mobility and citizenship, but when they face structural difficulties in the very same situations, they can mobilize resources that do not necessarily fit in with the legal matrix as part of their 'management of existence' (Pardo 1995). Therefore, structural limitations—infrequent transport services, economic needs and limitations in the design of the planned community—allow the illegal to 'acquire an aura of moral justification and become widely accepted as legitimate' (Pardo and Prato 2011: 2).

Street Vendors: Contested Legitimacy

Not every ‘informal’ or illegal business is as legitimate as the pirate transport services and the home-based businesses in Ciudad Verde. There is no consensus on the legitimacy of street vending that has increasingly made its presence felt in public spaces. While this is an invasion of public space that harms its aesthetics, order and cleanliness and does not observe safety and hygiene regulations for some, it is the exercise of the legitimate right to work and an opportunity that offers prices lower than those charged by supermarkets and shops for others. The issue of informal stalls is a broader problem and is pervasive in every urban area of the country. Its legal status is not so clear-cut, as the Constitution makes it the State’s duty to ensure the protection of public space and its dedication to common use. However, the right to work is also a fundamental right and a social obligation and enjoys, in all its forms, special State protection. Therefore, in Ciudad Verde, the problem has turned into a dispute related to moral values.

Those who consider this practice as legitimate often justify this in terms of *rebusque*, a core value of the Colombian citizen who doesn’t surrender to the lack of economic opportunities and will always find a way to ‘get ahead.’ This is similar to what Herzfeld (2005) calls ‘cultural intimacy,’ which, sometimes, refers to not strictly civic values or the notion that Pardo associates with Naples, namely, *sape’ fa’* (cleverness).⁸ Those opposed to street vending cite ‘citizenship culture’⁹ as a value lacking in some residents who allow the appropriation of public space by a few who ‘like to live in disorder and want everything for free,’ thereby perpetuating the proliferation of disorder in the community by selling (and buying) at these posts.

The police, on the other hand, frequently carry out ‘raids,’ in which they make the vendors pack up their products and remove their stalls. I once witnessed one of these police interventions that evoked diametrically opposite

⁸ ‘A person who *ce sape’ fa’* (is clever) is a skilful and resourceful person endowed with a blend of inner strength, determination, and quickness of mind that denies ruthlessness. In the everyday reality of socio-economic competition, the moral and normative *sine qua non* of this concept of *sape’ fa’* is that coping with life is a matter of developing the entrepreneurial ability to construct monetary and non-monetary resources’ (Pardo 1995: 48).

⁹ A notion inherited from a public programme implemented in Bogotá in the decade of 1990 by Mayor Antanas Mockus, in which the ‘good citizen’ is rule compliant and self-regulated, and helps to regulate the behaviour of other citizens to achieve an orderly urban life in both public and private spaces (Mockus 2012). The best-known interventions in this programme were those aimed at generating civic behaviour in transit (drivers and pedestrians) and those of ‘recovery’ of public spaces by removing illegal enclosures, parked cars on streets, and street vendors.

comments from onlookers. While some said, ‘They made them pack up everything, well done!’ others commented, ‘Poor people, they have to make a living somehow.’ In any case, as soon as the policemen went away, the street vendors returned and resumed their business. A judgement by the Constitutional Court banned the confiscation of goods or the prosecution of street vendors, so there is not much more that the police can do (Fig. 7.2).

In the discussions among residents, the ‘lack of citizenship culture’ is a common expression that is used to denote undesirable aesthetics and behaviour. ‘Citizenship culture’ is, for many, the proper way to be and behave in Ciudad Verde. According to Antanas Mockus, the former Mayor who implemented the famous programme in Bogotá between 1995 and 1997, ‘the term “citizenship culture” reflects our efforts to strengthen and harmonize the three regulatory systems of human behavior: law, morality and culture. This means reducing moral and cultural justifications for illegal behavior and increasing moral and cultural support for the law’ (Mockus 2012: 145). The notions and strategies of Mockus’ programme were widely naturalized in Bogotá and other Colombian cities (Restrepo 2016) and became the common language through which people talk about citizenship (I.P. Cuervo 2013). But in some contexts, a programme designed to promote peaceful coexistence ended up instead providing tools for social differentiation and even exclusion of certain behaviours and persons that did not align with the image of a modern citizen (Pérez 2010).

In Ciudad Verde, the ‘lack of citizenship culture’ that many residents attribute to street vendors helps to deny their citizenship or their right to inhabit urban space on their own terms (Guano 2004) by symbolically evicting everything that does not align with the hegemonic model of citizenship (Thomasz and Girola 2016). As it has proven difficult to remove street vendors physically, the operation is carried out symbolically. However, cultural repertoires and values such as *rebusque* manage, if not to challenge to the hegemony of citizenship culture, at least to point to the structural limits of conceiving it as the only way to display citizenship. The unresolved moral dispute over legitimacy in this case, in which ‘citizenship culture’ keeps clashing with *rebusque*, indicates that people, depending on their trajectories and structural conditions, draw on certain elements of the available cultural repertoires rather than on others to frame local meanings and to act upon them (Lamont and Thévenot 2000). Koechlin (2018, this volume) also stated that urban actors often draw from more than one moral order in their urban practices.



Fig. 7.2 Top: Street vendors in front of Prado Verde mall. (Photo by author, May 24, 2015). Bottom: Police intervention in the same corner. (Photo by author, September 16, 2015)

FINAL CONSIDERATIONS: IMPLICATIONS FOR AGENCY AND CITIZENSHIP

Most of the literature on private residential governance schemes highlight their exclusionary effects. In *privatopia*, ‘residents may like closer control of neighborhood services but may also find themselves contending with intrusions an elected government would not be allowed to make, like a ban on pets or yard decorations’ (McKenzie 1994). Thus, a form of property that emerged from individual free choice has become a mechanism that constrains individual freedoms (McKenzie 2011). Furthermore, the consequences of these constraints are unequally distributed along class, gender and race lines, ‘around the world, it is all too common to find homeowner associations using these powers and privileges of democratic organization to exclude, discriminate, and segregate’ (Holston and Appadurai 1996: 191). Although this is certainly the case in Ciudad Verde because following the aesthetic and behavioural regulations of horizontal property is not equally easy (or even possible) for all residents, most of them seem not only to accept but also to embrace this new form of regulating individual and collective life, and the megaproject with all its limitations, by offering little to no resistance. Thus, we need to interpret the experience of legitimacy more broadly.

Residents of Ciudad Verde aspire to live in a community where everything functions properly, despite knowingly living in a ‘failed Municipality.’ They simply demand ‘the fulfilment of fundamental rights of citizenship’ (Pardo and Prato 2011: 18) but not in the traditional form of resistance or collective action. Some residents oppose public demonstrations against the project’s ‘unfulfilled promises,’ because they think this will harm the reputation of Ciudad Verde and, therefore, decrease housing prices, undermining their individual investments. It is not surprising then that the demonstrations organized in Ciudad Verde during my fieldwork were few and far between. Those who tried to protest were told by their own neighbours, ‘If you do not like it, just sell your home and leave, no one forced you to buy here.’ Residents are not keen to exercise their agency in the traditional form of collective action—as also found by other contributions for this volume (Pardo 2018, this volume; Koechlin 2018, this volume). However, this does not necessarily mean that the residents’ agency is completely constrained.

Here, it is relevant to dialogue with anthropological approaches that recognize that opposition or resistance is not the only possible form of agency, especially in social groups that may at least in part benefit from neo-liberalization (Guano 2016), and that instead of criticizing those who are not mobilized for their ‘passivity’ or interpreting their attitude to be a result of depoliticization, it would be worthwhile to ‘understand what those deemed inactive and inert are, in fact, doing’ (Zeiderman 2016: 172). What ordinary people are doing, in this case, is trying to secure the upward mobility that the ‘dream of homeownership’ promised by enforcing strict aesthetic and behavioural regulations, even if they limit their freedom and possibilities for sociability, and to overcome the limitations of their available ‘matrix’—crisis of metropolitan governance, socio-spatial segregation and accessibility problems, unemployment, limitations in the design of the megaproject, and so on—by legitimizing some (selected) illegal practices.

It seems that it is up to the residents to fill the ‘legitimacy gaps’ at the different levels of governance—from the National Government down to individual apartment complexes—with their own resources to fully exercise their citizenship. Therefore, to cope with the difficulties of their ‘matrix’ without detaching themselves from the ideal of middle-class citizenship, the only alternative left to ordinary people comprise tactics that point to the individual sphere but do not openly question or attempt to change structural aspects.¹⁰ They compensate for the failures of governance by filling the gaps in legitimacy with their material and symbolic resources, without challenging governance problems.

The arrangement of legitimacy described in this chapter responds not only to the failure of rulers (i.e., the ‘failed Municipality’) but also to the locally prevailing notions of social mobility and middle-class citizenship. As Zeiderman puts it, ‘Citizenship is a technique with which some govern the conduct of others and through which others are expected to govern themselves (...) Being a citizen [in Bogota] means paying yearly property taxes, paying monthly water and electricity bills, and remaining outside the informal economy’ (Zeiderman 2016: 116). Legitimacy in Ciudad Verde is, therefore, constructed as opposed to (but influenced by elements of) ‘the informal’ (urbanization, economy, job market). In this context,

¹⁰ Although these tactics could gradually and cumulatively subvert certain elements of the order of things (De Certeau 1988).

the challenge for urban governance does not lie in promoting citizens' rule compliance—since, as I showed, they are keen on rule enforcement and mutual and self-regulation—but rather in how to really connect with ordinary people's values and aspirations (Pardo and Prato 2011).

Graeber (2015) argues from a feminist and race theories' perspective that those at the bottom of any unequal social arrangement—in terms of gender, race, or class—must do most of the interpretive work to understand the social dynamics of the context in which they live. They invest much time imagining the perspective of those who are 'on the top' and empathizing with it, which is not mirrored from 'the top.' In this 'lop-sided structures of imagination [...] the powerless not only end up doing most of the actual, physical labor required to keep society running, they also do most of the interpretive labor as well' (Graeber 2015: 80). This is clear in Ciudad Verde, where the hyper-regulated environment that residents embrace and reinforce restricts their possibilities of sociability and citizenship. Thus, residents who come from popular neighbourhoods must invest much of their material and symbolic resources to understand the vision of a middle-class citizen and to interact with their material environment and with their neighbours and the institutions in the same way they imagine a middle-class citizen would do. So, ordinary people are doing a great share of material and interpretive work in their efforts to 'manage existence' (Pardo 1995), while those from 'the top' have not really understood how the material and the moral aspects of the resident's daily experience shape their relations with the built and social environment, with the institutions and with the law—and keep claiming, for example, that 'coexistence problems' are caused by lack of education or cultural adaptation.

Consequently, it is necessary to understand residents of Ciudad Verde as more than either unruly people in need of 'normalization' or depoliticized individuals alienated by neo-liberal urbanization and begin paying attention to the 'representations of a good life' of local urban actors as part of the rationality that guides their actions (Pardo 2018, this volume). In this way, those who design and regulate contemporary urban life—in this case, real estate developers and administrators at different levels of government—could start envisioning new possibilities of urban citizenship that could satisfy the residents' material and moral needs and reduce the constraints that ordinary people face in their daily lives.

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CHAPTER 8

Undermining Governmental Legitimacy at the Grass Roots: The Role of Inflated Expectations of Community Accountability

Jerome Krase and Kathryn Krase

INTRODUCTION

In this chapter we describe discuss, and give examples of the co-authors' experiences addressing 'the moral dilemmas and ambivalences attending social life and, significantly, and individual moralities as they are encapsulated in the ambiguities and distortions that often mark the processes of government, bureaucracy and legislation' (Pardo and Prato 2011: 1–2; Herzfeld 1992; Pardo 1996: Ch. 7, 2000).

The chapter comes in three parts. The first discusses theoretical arguments to analyse urban neighbourhood community scenes which have

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_8

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served as guides for local community organizations as to how to best present themselves to authorities in order to receive positive responses to their goals and needs. The second describes how government organizations, specifically New York City Community Planning Districts, use the same community paradigm to present themselves as being accountable to them. In this sense, the legitimacy for governmental authorities rests on what Weber called ‘Traditional Rationality.’ The third part describes how local government authorities, who claim accountability, lose their legitimacy by failing in their sometimes-cynical efforts. Here we examine different, locally relevant and contested, issues in two, demographically contrasting Community Districts in Brooklyn, New York.

PART I: A THEORETICAL OUTLINE

For older-generation ethnographers, most research into the legitimacy of local government in, especially, the 1960s and 1970s was primarily informed by the works of Max Weber et al. Since then, the work of Pardo and Prato has added new insights to the classic ones, especially by bringing the study of government and ‘governance’ to the social level at which it actually works for both good and bad effects. The theoretical as well as practical aspects of this community versus polity conundrum are explored in this chapter as it relates to increases or decreases in the legitimacy and urban governance. More specifically, based on our work in Brooklyn, New York, we address the culturally specific, Anglo-American, practices people use to ‘move across the terrains of the moral, the economic, the legal and the civic’ and ethnographically visit ‘... the sites of everyday practice where people engage with, and potentially transform, the idea of legitimate behaviour, of legitimate law and of legitimate policy.’ According to Pardo and Prato, ‘A key task of governance is to establish and nurture the connection with citizens’ values, needs and expectations, the strength of which depends upon the observable quality of the link between political responsibility and trust and authority in the exercise of power’ (Pardo and Prato 2011: 1).

To accomplish these complex tasks, we begin with a discussion of Max Weber’s paradigm of Legitimization of Authority in order to explore the logical and historical contradictions between the ideal-typical traditional community and modern urban society which make the cynical production of community by activists and accountability to these creations by government dramaturgically possible (Krase 1974).

The sources of this confusion of community's transformation from an empirical to a moral ideal are common assumptions underlying the study of the social community. For more than a century, community has been relegated to the non- or anti-urban hinterlands and grudgingly accepted as only possible in traditional ethnic and other enclaves in urban settings that are undergoing transition to non-community forms. As noted by Krase, the root of this problem has been the stigmatization of urban especially minority and other less affluent 'inner-city' dwellers as non-community members such that: 'The cynical production of community is available to those who have the desire, skills and resources to pull it off. Government does community by showing responsiveness to the 'grass-roots.' Individuals and locality groups do community by fulfilling culturally defined community roles' (Krase 1977: 1, see also 1979). In contrast to such 'vulgar Toenniesism,' Max Weber had noted 'Communal relationships may rest on various types of a factual, in motion all, or traditional basis. Examples on the religious brotherhood, and an erotic relationship, but the great majority of social relationships has this characteristic to some degree, well at the same time determined by associative factors' (1947: 137). Practically speaking, community can also be a 'prescription for social action' according to Warren (1971: 247), especially when a particular conceptualization model is infused with desirable qualities. As noted by Nisbet, the nostalgic concept of community as a utopian and loving form of social organization can motivate 'quest for community' (1953: 28).

The classic relationship between the governed and the governing was stipulated by Max Weber as to 'Types of Legitimate Domination' and 'The Three Pure Types of Authority' (1978: 215). The validity of claims to authority rests upon:

1. Rational grounds: resting on the legality of enacted rules and the right of those elevated to authority under such rules to issue commands (legal authority)
2. Traditional grounds: resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority)
3. Charismatic grounds: resting on devotion to the exceptional sanctity and heroism for order revealed or ordained by him (charismatic authority; Weber 1978: 215)

As Weber explained, ‘Naturally, the legitimacy of a system of domination may be treated sociologically only as the probability that to a relevant degree the appropriate attitude will exist, and the corresponding practical conduct ensues’ (1978: 214). To be voluntarily dominated, subjects must grant legitimacy to their rulers. As per local neighbourhood community organizations, legitimacy of government is based on showing their responsibility to the ‘community.’ The question then emerges, ‘How is that accomplished?’ Since, it is assumed, in the modern city, that traditional community forms are not empirically possible, it must be done cynically.

PART II: THE 1960s’ URBAN CRISIS: LOCAL SOLUTIONS TO NATIONAL PROBLEMS

The American decade of the 1960s was marked by demonstrations, protests and riots in many cities. This accelerated a sense that all levels of government had lost their legitimacy, especially in the ‘inner city’ and among minority groups. The National Commission on Civil Disorders warned, ‘Our nation is moving toward two societies, one black, one white—separate and unequal’ (1968: 1). Governmental authorities attempted to re-establish the connection between political centres and social peripheries. The federal government developed plans to address urban grievances guided by a principle of ‘maximum feasible local participation.’

Although programmes such as urban renewal were crafted centrally, they were executed by fully or partially federally funded local agencies. Consequently, state and municipal governments adopted mechanisms for connecting themselves to locals with noble names like ‘Community Action’ and ‘Model Cities.’ New York City Mayor, John V. Lindsay, created experimental satellites for his agencies often referred to as ‘Little City Halls.’ Another ‘community control’ effort in New York City was the 1969 decentralization of the Board of Education and the creation of Community School Districts that were managed by elected Community Boards.

Donald H. Elliot noted ‘Mayor Lindsay was very interested in having a community participation component as part of the development process. Following the Robert Moses era that mostly ignored public opinion, Lindsay wanted local communities to have an impact on government decisions’ (The Center for New York City Law). The city was divided into 62

(currently 59) Community Districts, each with its own Community Board. Each Board consists of up to 50 unsalaried members appointed by the borough president, with half nominated by the City Council members who represent that district. Board members must reside, work in, or have some other significant interest in the community.

Although progressive on the surface, Jerome Krase and Charles La Cerra explained that Lindsay, a Republican reformer, employed the community control and decentralization rubrics to get around the almost total control of the city by Democratic Party bosses. In addition, community and neighbourhood associations in 'poverty' areas provided residents with alternative methods for local problem-solving. In more middle-class neighbourhoods, educated and sophisticated voters used them to pressure political clubs to become more democratic. They also created opportunities for political entrepreneurs by fostering competition for limited resources. Individuals and groups continued to seek 'favours' and special treatment. The providers of local services became a new constituency seeking favours. The 'Great Society,' 'Community Action,' 'Model Cities,' and other programmes were ripe with patronage and provided new jobs and spoils for urban political machines to distribute. 'Independent' local agencies quickly came under the control of local bosses (Krase and La Cerra 1992; also Krase 1997).

In New York City, 'community control' and 'decentralization' efforts such as the Office of Neighborhood Government, Community School Boards, and Community Planning Districts were viewed initially as undermining local party leaders. However, because the funding and appointments for these programmes were politically controlled, they eventually were taken over by regular political clubs. Even groups 'elected' by the community, such as Community School Boards, slowly gravitated towards the usual politics as teachers' unions and suppliers saw the need to control their actions and joined with regular political clubs to elect board members sympathetic to their needs and desires. By the turn of the twenty-first century, much of the power decentralized in the 1970s was re-centralized and Community Districts lost their potency (Krase and La Cerra 1992; also Krase 1997). City newspapers exposed on many occasions corruption in social service and 'poverty empires' created by the 'Great Society.' Despite the scandals, the ideal local community paradigm remained an ideological source of local and city-wide power.

PART III: LOCAL INSIGHTS

What follows is a comparison between two Brooklyn Community Districts, which although they concern very different constituencies and issues, they share the same problem of ‘legitimacy.’ To some degree they also differ as to the bases for these losses.

In essence, the legitimacy of non-elected community and locally elected New York City officials rests on meeting their constituents’ expectations as to cultural representations of traditional authority, that is, accountability to the community. In a similar way, in this volume, Janaki Abraham as to ideas of legitimacy compares two neighbourhoods in a town in Kerala, India. Although the result of the dispute between them was much more violent, as we have done in this chapter, she notes the importance of ascertaining the role of social media. Also, as in the two cases we report on, Janaki cites the influence of ideology and power at all levels—local, state and national (Abraham 2018, this volume).

In 2010, Brooklyn’s Community District 9’s total population was 98,400 of which Whites (non-Hispanic) accounted for 18.4%, Blacks (non-Hispanic) 67.6%, and 9.7% were of Hispanic origin. As to the level of education, 26.7% of the population had a bachelor’s degree or higher. The New York City Poverty Measure at the time was 23.1%. The unemployment rate was 13.4%, and 41.8% of the population was foreign born. Then, as of now, large sections of District 9 were rapidly gentrifying, resulting in increasing displacement of poor, working-class, and even middle-class African Americans and Afro-Caribbeans.

In contrast to Community District 9, District 6’s total population was 104,709, of which Whites (non-Hispanic) accounted for 63.8%, Blacks (non-Hispanic) 6.9%, and 18.6% were of Hispanic origin. As to the level of education, 70% of the population had a bachelor’s degree or higher. The New York City Poverty Measure at the time was 9%. The Unemployment rate was 6.5%, and 17.5% of the population was foreign born. In addition, major sections of Community District 6 were ‘super-gentrified,’ so as might be expected given the demographic differences between the two areas, issues of political contention were also different. Held in common was the fact that, for many individuals and constituent groups, many decisions made by their Community District Boards lacked legitimacy (Table 8.1).

Table 8.1 Selected population characteristics 2010

	<i>Community District 6</i>	<i>Community District 9</i>
Total Population	104,709	98,400
White non-Hispanics	63.8%	18.4%
Black (non-Hispanic)	6.9%	67.6%
Hispanic	18.6%	9.7%
Foreign born	17.5%	41.8%
Unemployment	6.5%	13.4%
NYC poverty measure	9.0%	23.1%
Education (bachelor’s degree or higher)	70%	26.7%

Source: NYCDPCP (<https://communityprofiles.planning.nyc.gov>)

COMMUNITY BOARD 9, CROWN HEIGHTS REZONING
(BY JEROME KRASE)

As in prior community activist battles, the current fight against development spurred by a city-wide rezoning plan devised during the Mayoral administration of Michael Bloomberg takes many forms. Much of this takes place in and through various forms of mass media. Today these ways of communicating include the Internet such as blogs, list serves, websites, e-mail, Twitter and platforms such as *Facebook*. I have been an activist-scholar in Community District 9 since the 1960s and continue to serve on one of the district committees.

In the fall of 2014, Professor Ron Howell (2014) tried to enlist the support of the community to fight against the seemingly unstoppable spread of upscale development and displacement by organizing a conference at Brooklyn College. It was attended by dozens of former and current residents of Bedford Stuyvesant and Crown Heights. At the end of the panel presentation the microphone was handed over to a long list of aggrieved tenants who spoke in general and specifically of the problems they faced.

New York City has a housing policy, it’s very simple, black people live where white people don’t wanna live until white people decide to live there again,” said a resident of Bed-Stuy at the forum. “That policy is racist. Is it class based? Yes, but it’s racist, and the battle for Bed-Stuy is going to be fought in the streets. (Lashley 2014)

The organization with the highest profile in Crown Heights is MTOPP—the Movement to Protect the People (<http://www.mtopp.org/>). Its fiery leader, Alicia Boyd, received considerable applause when she spoke as an audience member at the ‘Bed-Stuy in Crisis’ meeting. MTOPP’s major goal is stopping the application in Community District 9 of the New York City-wide rezoning programme. MTOPP’s mission statement call to arms includes:

We must organize! ...Stage demonstrations! Call in our favors! Use all the political leverage we got! ...File lawsuits!... Expose the back room deals, that are taking away our rights! We must use every resource at our disposal, to let these developers know that....Our Community is not for sale!!! (<http://www.mtopp.org/mission.html>; Accessed October 4, 2014)

MTOPP engaged activist urban planner Tom Angotti to devise a grass-roots plan to counter the city’s rezoning plan for Crown Heights to convince Community Board 9 to vote against the proposal and block the radical rezoning. The following are a series of observations of MTOPP activities in this effort.

On a cold and damp Saturday, February 7, 2015, morning, a group of six or seven MTOPP supporters including urban planner Tom Angotti and one of his graduate students assigned to the project gathered at the corner of Flatbush Avenue and Empire Boulevard to tour the area most threatened by New York City’s radical rezoning programme. As we slowly walked people offered their opinions and advice about what should and should not be done to improve the area. Existing old and newer commercial properties were pointed out as well as the proposed new construction sites and those already under way. The group walked several blocks to Rogers Avenue and then turned south one block to Sterling Street, which is exclusively residential but also within the scope of the rezoning. Several current and potential building sites were pointed out. One was a corner building that was partially demolished and another bearing building permit signs. The group proceeded westwards along the quiet residential blocks dominated by one or two family-attached homes (some within the Prospect Lefferts Gardens Historical District) and four-story apartment buildings. Virtually all of the people we met during our work were those of colour.

The group continued to Alicia Boyd’s house where a meeting was held in her dining room over hot cider and donuts. As people around the table

introduced themselves it was clear that the group was economically, racially and ethnically diverse with about half of the group from the north side of Empire Boulevard. There was discussion about the inappropriate conduct and actions of Community Board 9 and the feeling that some local politicians could not be counted on to look after the interests of the whole community. Members of the group at the table had many different ideas about what a ‘visioning of Empire Boulevard’ would be like and Angotti and his student were attentive and took notes. They included a bowling alley, movie theatre, green spaces, bike lanes, coffee shops, a Wegmans (supermarket), high-tech spaces, jobs for youth and places for the community to meet. Angotti then gave some idea about what the study could and could not accomplish. Angotti had already publicly assailed De Blasio’s ten-year Housing Plan and called for it to be stopped. Noting that De Blasio’s administration had taken some small but important steps to preserve existing ‘affordable housing,’ he believes that a la the three terms of Mayor Michael Bloomberg, many more people will be displaced. Despite promises to preserve neighbourhoods:

However, the mayor’s \$7.2 billion 10-year capital plan for housing would be dwarfed by the \$30 billion that private developers are expected to spend, investments that will jack up the cost of land and existing housing, and displace residents and businesses. (Angotti 2015; also Hawkins 2014)

As to cross-national comparisons, Adriana Hurtado-Tarazona noted how noble goals are claimed by governments to justify similar neoliberal principles such as shopping centres and gated middle-class housing in areas historically occupied by informal settlements and small-scale businesses, especially in Soacha, Columbia (Hurtado-Tarazona 2018, this volume).

Alicia Boyd and other MTOPP activists often have vehemently complained orally and via electronic communications about the unethical and perhaps illegal conduct of Community Board 9. Many Freedom of Information Law (FOIL) requests have been filed and board members have also been accused of conflicts of interest. She and other activists were arrested at the Community Board 9 meeting, only to later have the charges dismissed. MTOPP especially has been a thorn in the side of the district manager. Apparently in anticipation of a disruption, during the autumn of 2014, the October meeting date and venue were changed. More police

were added to deal with anticipated disruptions from MTOPP and others. At this meeting, it was observed that a movement for adjournment was made by a board member in the audience, approved by board members, and the meeting ended quickly before the public comment period on the agenda. This caused a loud protest from MTOPP members (wearing MTOPP T-shirts) standing at the back of the auditorium who had handed out literature and were prepared to speak.

As part of its alternative plan for the community, MTOPP has held period meetings in which individuals and organizations are invited to participate. One was held on Saturday June 6, 2015, from 7 to 9 PM in the basement meeting space of the Full Gospel Assembly church at the corner of Bedford Avenue and Sullivan Place. It was lightly raining and this researcher arrived early and walked around the neighbourhood. During the walk I encountered a middle-aged Afro-American woman who was visiting friends at the Ebbetts Field Apartments. The rent-stabilized 1500-unit high-rise apartment complex opened to much fanfare in 1962 on the site of the Brooklyn Dodgers stadium. Today it is for want of a better word ‘troubled.’ Tenants complain of crime, deteriorating services and needed repairs, as well as efforts by the building operators to evict tenants (Alvarez 2015). The visitor had lived in the area but moved home, ‘down south.’ I told her about the MTOPP meeting and she said she might come. She said there was a ‘big problem’ with people in the area losing their apartments.

The Equality for Flatbush Project (E4F) is a new people of colour-led multi-national grass-roots organization which fights for anti-police repression, affordable housing and anti-gentrification organizing in the Flatbush and East Flatbush sections of Brooklyn, New York. E4F was founded in June 2013 and is a volunteer-run organization. We seek to organize our communities for social change and justice through street outreach, social media campaigns, advocacy and political action (<http://equalityforflatbush.tumblr.com/>).

As one might expect in an age of easy electronic communication, methods for combating tenant harassment have evolved. One innovative technique was E4F’s Documenting Brooklyn—Fighting Gentrification effort, ‘a self-documentary art archive, resource and organizing project that allows everyday people to respond to the crisis of gentrification of Brooklyn, NY.’ As part of its ‘NO Eviction Zone Campaign,’ they offer beleaguered residents a ‘Tenant Harassment Documentation Team.’ When requested trained staff are sent ‘... to collect oral and visual documentation of outstanding repairs and other forms of tenant harassment’ (<http://equalityforflatbush>.

tumblr.com/) (See also Brooklyn anti-Gentrification Community: <https://groups.google.com/d/msgid/the-brooklyn-anti-gentrificationcommunity-organizinglist/> and the Flatbush Tenants Coalition <https://flatbushtenantcoalition.wordpress.com/>).

MTOPP was not the only local group to respond to the potential threat of the rezoning in Community District 9. However, other responses seemed, at least on the surface, as more measured. They also were quickly attacked by MTOPP as attempts to undermine their plan which was already under way.

There was broad support voiced for a planning study on the Prospect Lefferts Gardens Friends and Neighbors Facebook pages as well as among the many local people with whom this researcher spoke. For example, Alan Patrick Berger wrote:

Dear Neighbors,

Broad support prevails throughout our neighborhood for a contextual rezoning by City Planning to prevent out-of-scale buildings like the 23-story luxury building at 626 Flatbush Avenue. Lack of appropriate zoning in Prospect Lefferts Gardens has lured developers seeking big profits threatening our community, stressing our infrastructure, while failing to preserve affordable rent. Only community-defined contextual zoning can protect the neighborhood from changing overnight into a place we won't recognize.

(May 1, 2015 2:13 PM)

The Q at Parkside also endorsed a planning study of Community Board 9, Brooklyn, New York City. Below is a petition that was circulated:

We, the undersigned, implore Community Board 9 and the NYC Department of City Planning to immediately begin a Planning Study of Community District 9, specifically the western portion of CB9's boundaries. The current zoning map dates to 1961. While other parts of NYC have been contextually zoned and updated to reflect a modern reality, we continue to live with decisions that were made for our neighborhood more than 50 years ago.

During the course of discussions between community and City, we have certain expectations and requests:

A) That all efforts be made to maximize the requirements of developers to build permanent affordable housing

B) That all efforts are made to keep new buildings within specific height limits and ensure contextual and aesthetically pleasing blocks

C) That plans be made to make best use of commercial corridors like Nostrand Avenue, Rogers Avenue, Bedford Avenue and Flatbush Avenue, and to consider the effects of allowing mixed-use construction on underutilized corridors like Empire Boulevard. Any changes, however, must conform to points A) and B) above, and reflect the needs of diverse community.

We recognize that the City has placed ambitious goals to address the affordable housing crisis. We share the goal of creating housing for a wide range of incomes. But we ask that our current high density be considered, and that growth be modest and fair. We are an extraordinarily diverse community that wishes to remain that way. As the City grows, we expect we will grow too. But we believe such growth should be smart, contextual, and take into account needs for schools, public transportation, roads, parking and other infrastructure.

We would prefer to undergo this process collaboratively, rather than have outside forces develop our neighborhood FOR us. We've seen the future - in certain buildings, like 626 Flatbush and another 23-story tower on Nostrand to our south, plus dozens of new 'as of right' projects throughout Central Brooklyn. We'd like to temper the urge of developers to build without an understanding of the consequences to our historic and tight-knit community.

We look forward to working with you. (Letter to Community Board 9 2015)

In addition to being a prolific blogger whose site attracts a great deal of comments, Tim Thomas chairs the Transportation Committee of Community Board 9. Attracting attention in actual and virtual community spaces has both positive and negative consequences. For example, his strong support of current proposals to develop affordable housing in Crown Heights and Prospect Lefferts Gardens has drawn the wrath of the MTOPP. Other disputes among competing activists and neighbourhood spokespersons have revolved around the real and imagined racial biases of protagonists and antagonists on various local issues. For example, MTOPP itself has been accused by some of making racially divisive comments. Prospect Park East Network (PPEN) sees these and related future projects as reducing the ethnic and class diversity of the area, as well as causing divisions in the community.¹

¹ See: <http://www.ppen.org/> For "Develop Don't Destroy Brooklyn" see: http://www.dddb.net/php/latestnews_ArchiveDate.php and PPEN Flyer for their Study http://www.ppen.org/2015/11/ppen-plgna-community-study_5.html. Accessed December 21, 2015.

COMMUNITY BOARD 6, PARK SLOPE: BIKE LANES (BY KATHRYN KRASE)

In contrast to the residential rezoning of portions of Crown Heights which threatened the affordability of housing for thousands of poor and working-class non-White renters, the construction of bike lanes in an affluent neighbourhood might seem to lack gravitas. However, it can be argued that both are connected to New York Mayor Michael Bloomberg's vision of New York as a 'Luxury City.' According to Greenberg, the Bloomberg administration sought to refashion the city in order to appeal to global elites 'by attracting high-end retailers, hotels, stadiums, and residential towers' (2010: 31).

Many poor and working-class neighbourhood spokespersons have identified bike lanes and related pro-cycling proposals as attempts to connect gentrifying areas and threaten further residential and commercial displacement (Alcorn 2016; Savitch-Lew 2016; Geoghegan 2016; *Brooklyn Paper* 2017; Gill 2016; DeJesus 2018). Judith DeSena discussed at length the many clashes between bike lanes and the bike culture of gentrifiers with working-class and otherwise long-time residents in another the Brooklyn neighbourhood of Greenpoint (2012: 74–77; also Krase 2017). Perhaps the most pertinent expression of anti-bike lane and anti-gentrification sentiment was a *Brooklyn Paper* article 'Sunset Parkers worry 7th Ave. bike lane will bring Park Slope yuppies.' As Caroline Spivack wrote: 'A Sunset Park panel slammed the brakes on the city's plan to paint a bike lane on Seventh Avenue on Wednesday, with some arguing that it will roll out the red carpet for Park Slope yuppies to invade the neighbourhood while failing in its actual goal of filling gaps in the bike-lane grid' (2017).

However, despite its usual anti-gentrification editorial policy, the *Gothamist*, a well-respected online newspaper, loudly narrated the controversy is in stark contrast to my own experience of grass-roots community involvement in the issue. As related by Raphael Pope-Sussman in 'The Prospect Park West Bike Lane Legal War Is OVER' (2016), '[t]he *cantankerous* (emphasis added) opponents of the bike lanes on Prospect Park West have decided to drop their long-running lawsuit seeking removal of the lanes, bringing a six-year battle to a close.' Neighbors for Better Bike Lanes and Seniors for Safety had said in a press release:

We continue to believe that the City's decision in January 2011 to make the PPW bike lane permanent was arbitrary, capricious and unlawful—based on

distorted traffic and safety data cherry-picked by the City. ... Given the long passage of time, we believe the most responsible choice for our groups' members and our community is to ensure that the bike lane is as safe and effective as possible going forward, rather than to prolong a debate in the courts.

The court ruling denied the city's statute-of-limitations defence that had stalled the suit, and vindicated their claim that the city promoted the bike lanes as a 'trial' only to claim later that it was permanent in its inception, in order to shield its actions from 'legitimate scrutiny' by the public via the judicial system.

The article continued when in 2010, the Department of Transportation (DOT) removed a lane of car traffic from Prospect Park West (PPW) and installed the bike lanes: '*A bunch of rich and politically influential (and some elderly) Park Slopers* (my emphasis) got very upset about the bike lanes, which they claimed were dangerous and made PPW too congested.' The *Gothamist* also claimed, based on Transportation Department data, that the project 'succeeded on most counts,' 'most people liked the bike lanes,' and reiterated the city's Law Department and DOT statement.

When the protected bike lanes were originally proposed for Prospect Park West in 2010, I honestly thought it was a joke. Why would any policymaker think it was a good idea to take away a lane of traffic on a busy roadway integral to inter-neighbourhood travel in Brooklyn, New York? Just a few years before, the Prospect Park inner roadway had largely been closed to car traffic. This roadway had been open to car traffic twice a day for many years to accommodate commuters during rush hour and to relieve congestion on Flatbush Avenue and other streets. Closing the inner roadway simply diverted this traffic to Prospect Park West and Flatbush Avenue, making these roads more congested and drivers more aggressive.

Since the inner roadway was closed to car traffic, bikes rule the Park's inner lanes. In fact, there have been more than a handful of serious injuries to pedestrians inside Prospect Park due to bikers who fail to yield or follow the rules of the shared roadway. Why did bikes need a second, exclusive, path to travel, especially one that would put them, again, in direct conflict with crossing pedestrians? Prior to the plan for the bike lanes there was significant community engagement in efforts to address 'traffic calming' on Prospect Park West. This term, 'traffic calming,' is now well known across New York City as the precursor to 'pro-bike' local changes. Yes, we

needed traffic calming on Prospect Park West, but that was because the city had removed cars from Prospect Park.

Community Board 6 and local politicians, addressing the need for ‘traffic calming’ on a historically landmarked thoroughfare (Prospect Park West), conducted a survey allegedly to ascertain support for the measures. The initial survey did not ask respondents, many of whom were canvassed along Prospect Park West, for approval of what became an extensive and costly construction of a two-lane, two-way bicycle lane that removed one of three traffic lanes. So, when I read about the proposal in the local news, I honestly thought it would never happen. When the original plan was presented as a ‘trial’ I actually believed that such determination was made out of respect to those who had expressed serious concerns. It wasn’t until later that I realized that the term ‘trial’ was used to mislead, and appease, community members like myself. In fact, there was not ‘trial,’ but the plan was made and executed, regardless of community concerns or thoughtful analysis. And the proponents of this terrible plan were powerful, politically. This became most obvious when the conflict arose in the community over the ‘success’ of the trial. Local politicians, most notably our own City Council member, Brad Lander, lauded the overwhelming community support of the ‘successful’ trial, by purposely misinterpreting available survey data. I wrote to him directly about his false reporting of the data.

As a social scientist, I want to ensure that you avoid to continue making the mistake you made in your written response to the survey results. You repeatedly say that there is “broad support” for the project...Unfortunately, the survey did not ask whether respondents “supported”² the project.

I never received any response.

Sadly, despite the claims of increased safety, 12-year-old Samuel Cohen Eckstein, about to celebrate his bar mitzvah, was killed at the intersection of Third Street and Prospect Park West in Park Slope after the bike lanes had been installed (Miller 2013). Samuel crossed over the bike lanes, and ran onto the street between parked cars, to retrieve his soccer ball, tripping and falling into moving traffic.

I often cross Prospect Park West, most often shepherding a group of baseball players on the youth team I coach. They have come to expect, and hopefully internalized, my repeated warnings to ‘watch out for bikes’

²There was a very easy way to ask such a question using a Likert scale.

every time we cross the street. We have had more than our fair of close calls and near misses, as bikes have failed to yield to pedestrians at busy intersections. I teach community advocacy and use the bike lane example to show students the important of involvement of community members in all aspects of their community.

At a later point, after the lanes were finished, another pseudo-social scientific survey was conducted to demonstrate ‘overwhelming’ support by the community for the plan after it was challenged in court by Neighbors for Better Bike Lanes and Seniors for Safety. Ironically, the announcement of the survey results included cautions that the survey was not very ‘scientific.’ The *New York Times* cautioned its coverage of the survey by noting ‘Polling experts caution, however, that online surveys, like any surveys in which the respondents are self-selected rather than contacted at random, are of limited value’ (Goodman 2010). The survey was conducted using a relatively unsophisticated Internet platform Survey Monkey and on the Report Website itself was the Caveat: ‘Not intended as a referendum or a randomly-sampled public opinion poll.’ Despite these caveats, this and the other ‘surveys’ were widely used in the press, and by proponents of the project, as evidence of community support for their view.

Observations made by several informants of community meetings in which pro- and anti-bike lane groups and individuals made their cases before meetings of Community Board 6 and the Park Slope Civic Council (PSCC) revealed a similar pattern. In all cases, it appeared that the pro-bike lane supporters were in the majority. Speakers for each side were loudly, but not raucously, applauded by their supports. As to civility, however, one anti-bike lane informant reported that after being quoted in a newspaper story, online comments were ‘incredibly abusive.’ As a result, the informant has ‘not Googled my name from then onwards because it was too upsetting.’ As with many others, this informant was not against a bike lane per se but was disturbed by how residents who expressed contrary opinions were being steamrolled by Transportation Alternatives and their allies on Community Board 6, the Civic Council and in Councilman Brad Lander’s office. Those ‘who didn’t agree with them or had valid points in opposition were vindictively labelled as rich and old. And the DOT and Jeannette Sadik Khan lied throughout.’ As noted by Italo Pardo, the allegedly ‘progressive’ municipal government in Naples is similarly unable to merit the trust of its ordinary (non-elite) citizens by cloaking its own actions in elevated moral terms while mis-

representing those below who oppose them in stereotypical negative ones (Pardo 2018, this volume).

Long after the dust had settled, Bloomberg-era Transportation Commissioner, Janette Sadik-Kahn (2007–2013), penned *Streetfight: Handbook for an Urban Revolution* in which she wrote: ‘the strife over Prospect Park West represented a perverse version of the historical battles between Jane Jacobs and Robert Moses’ (2017: 8) and repeated widely shared comments in the media about her opponents such as Iris Weinsall ‘... who lived in a *well-appointed* (my emphasis) high-rise along Prospect Park West with her husband, *influential* (my emphasis) United States Senator Charles Schumer’ (217: 168). More critical for our thesis, she mistakenly claimed ‘the truth is that the community has been asking for traffic calming on Prospect Park West, including a protected bike path, for at least four years’ (171). In contrast, praise and thanks were given to Transportation Alternatives members ‘... who pulled together spoke out at community meetings, drafted op-eds and letters to the editor, and always made themselves available’ (177). Incidentally, a prominent Transportation Alternatives member was co-chair of the Community Board 6 Transportation Committee.

A different view of the street fight, ‘Prospect Park Liar’s Lane,’ provides an evaluation through a close-up lens:

All winter the bike lane on the west side of Prospect Park in Brooklyn went unused. It was too cold. For much of the summer the bike lane has gone unused because it is too hot. It is a ghost lane when it rains and for most weekdays. It gets reasonable use about 10 to 20 weekends a year. But the traffic tie-ups along the twenty-five-block long Prospect Park West corridor are every day and for much of the day. ... By the way, I am a member of Transportation Alternatives and an avid biker, but this bike lane still makes no sense to me.’ (Singer 2011)

Obviously, the tactics for the more privileged opposition groups in Park Slope such as Neighbors for Better Bike Lanes and Seniors for Safety are different from MTOPP and Brooklyn Anti-Gentrification Network (BAN) in Crown Heights. Due to their higher status, they used more legalistic methods and relied on the unrequited respect of elected officials and employees of city agencies.

The following are excerpts from the many letters I wrote to the bike lane proponents and local authorities. Note that I signed all my letters

‘Kathryn Krase, Ph.D., J.D., M.S.W.’ and emphasized my professional status and expertise. They also demonstrate the role pseudo-scientific studies play in attempts to legitimize unpopular actions of authorities. In this case, officials sought legal-rational legitimacy for traditional, that is, local community authority. It also points to the way that local media can distort issues which they favour, for example, the way that anti-bike lane proponents were portrayed in *The Gothamist*, which was a common trope also in city-wide media.

My concerns are widely shared by bike lane opponents with whom I have spoken. Unfortunately, most of these people did not vigorously protest the project and generally expressed the opinion that ‘You can’t fight City Hall.’ I must note that I am a biker in the community and not the least anti-bike.

Another letter to the editor of the *Civic News*, the newsletter of the influential PSCC, had a more traditional, personal, family-centred appeal:

I have lived in Park Slope for over 25 years. ...I’m enraged about this month’s newsletter story about the bike lanes, guising the issue as “traffic calming”. ... Many of my family and friends who oppose the bike lanes are staunch traffic calming supporters- the two issues may be related but not the same. Those of us who have lived in close proximity to PPW for all of our conscious lives KNOW that we need more protections from speeding cars, but the bike lanes are not the answer.

Two other letters were addressed to the editors of *The Park Slope Courier* and *The Brooklyn Paper*. They concerned the lack of impartiality in their reporting on the results of Assembly Member Jim Brennan’s ‘Prospect Park Bike Lane Community Survey.’ Brennan should have been commended for taking on this polarized issue and not spinning the numbers to suit one side or the other. In contrast, both papers had skewed the results of the survey to accommodate the views of the bike lane supporters, who had unnecessarily polarized the issue.

The results of Assemblyman Brennan’s survey AND City Councilmember Brad Lander’s survey last year DO NOT reveal that a “majority of Park Slopers favor the bike lane.” Less than half (44%) of respondents to Jim Brennan’s survey want the bike lane to remain as is: 28% want it removed, 25% want a bike lane, but not in its current configuration.

Discussions with anti-bike lane residents show the main reasons for their opposition were mundane. Some expected that friends and family members with handicap parking permits might lose limited designated spaces close to home. Fear of losing parking spaces was typical of long-term residents and others, such as the elderly who needed cars for even short-distance commuting, doctor visits, shopping, and so on. Although this was a common topic of conversation among neighbours, there were not against biking per se. Those nearest to the project noted the increased congestion caused by the loss of one of three lanes of traffic. Frequently at peak traffic hours, there are double-parked cars, delivery trucks and, especially near the private school, school buses. Other reasons for opposition were more personal or ideological such as anti-gentrification and anti-hipster biases connected to the feeling among many long-term working-class and well-off long-term residents that the 'old neighbourhood' was disappearing. Fewer residents saw it as an aesthetic and historical issue that was given short shrift by city authorities and pro-bike lane groups.

Long before they gave up the battle, Neighbors for Better Bike Lanes and Seniors for Safety had already lost the war. They were clearly out-classed in the media and were unable to create a critical mass as their cause generated little sympathy from those less impacted. On the other hand, Transportation Alternatives and Park Slope Neighbors had strong ties to Community Board 6, the local councilman, as well as both the Bloomberg and DeBlasio mayoral administrations. They were thus able to present themselves as the legitimate voice of the people. In a sense, Goliath became David. City-wide groups who were media savvy have great influence with local politicians and Community Boards especially those projecting themselves as 'green.' Their extensive communication networks are also especially helpful in election campaigns.

The small collection of anti-bike lane influentials had higher expectations of how they would be treated by city officials. Having no crowds behind them, rather than protest on the streets, they used legal-rational processes. They relied on objective analyses, courts, historical and art and design sensibilities for their objections, expecting that they would be sufficient. Although successful in their argument that the lanes were a 'test,' it was a pyrrhic victory. By the time they won a new court hearing, the bike lanes were grudgingly accepted by most opponents as part of the new neighbourhood scene. Continuing the suit had become more a matter of personal pride than an expectation of return to the status quo ante.

SUMMARY AND CONCLUSIONS

New York City Community Districts were set up in such a way as to be able to claim to be accountable to the ill-defined ‘community.’ However, their board members and paid staff are appointed by politicians. Although the districts contain very large populations, comparatively few people regularly participate. Most are hardly aware of how they operate and what they do. In any case, they are only advisory. In both of the very different Community District cases discussed, groups opposed to centralized, city-wide plans were stigmatized in the local and city-wide press. For example, MTOPP and BAN were portrayed as dangerously ‘radical,’ and Neighbors for Better Bike Lanes and Seniors for Safety were labelled as ‘privileged.’ The pattern followed was if the groups (Prospect Lefferts Gardens Friends and Neighbors, The Q at Parkside, Transportation Alternatives and Park Slope Neighbors) supported the plans, they are treated as credible, and their claims to represent the imagined community were accepted, even magnified, by authorities. For the opposition, the pattern is the obverse. These unmet expectations of accountability contribute to the common perception that ordinary, local people have little power or agency. In other words, when authorities claiming traditional legitimacy based on accountability to the community fail in that regard they are seen as illegitimate.

It should be noted that we do not claim that either the pro- or anti-groups portrayed here are more or less representative of the entire Community District. Rather our goal was to describe, discuss and analyse how local neighbourhood community decisions are centrally determined. A crucial issue in this relationship is how the city government, via its local arms, such as Community Planning Districts, presents themselves to local publics as being accountable to it and how they can lose their legitimacy by failing in these sometimes-cynical efforts.

To accomplish this complex task, we employed a number of ethnographic methods and techniques. In addition to the usual ethnographic methods such as direct observation, participant observation, interviews and informants, we employed various more and less digital (Pink et al. 2015) and virtual (Domínguez et al. 2007) methods to explore online discussions, websites and online newspapers. As did Nathalie Boucher in her study of the redesign of Viger Square in Montreal, both researchers embedded themselves in the local scene and shared their scientific expertise with community groups. Such analytic autoethnography (Ellis et al. 2011) enabled us to personally explore the issues and processes from the

inside out (Boucher 2018, this volume). Finally, at more abstract levels, comparative and multi-sited ethnographic (Marcus 1995) sensibilities made it possible to isolate commonalities between very different neighbourhoods and issues.

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Detachment and Commitment to Legitimacy: The Case of Viger Square in Montreal

Nathalie Boucher

INTRODUCTION¹

This chapter is about Viger Square, a monumental modern artwork inaugurated in 1983 located in downtown Montreal. The neighbourhood's population was declining by then, the Square was never fully completed, and its modern design not totally honoured. Its reconstruction has been a recurring topic over the last 30 years. The recent neighbourhood revival posed a serious and final threat to the Square. An informal group, of which I was a member, fought for its conservation and rehabilitation, rather than a total reconstruction according to the new plans. The group that fought

¹ I thank Marilena Liguori for her revision. I also thank the inspiring workshop organized by Italo Pardo and Giuliana Prato and the great works of the colleagues present with whom the concept of competing legitimacy emerged.

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© The Author(s) 2019
I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban
Anthropology, https://doi.org/10.1007/978-3-319-96238-2_9

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for its conservation, and the committed yet detached group members, was led by the legitimacy of the Square but also of their personal projects. I owe inspiration for the title of this chapter to Knoke (1981), and for the concepts of commitment and detachment in voluntary associations, although I revisit the terms in relation to legitimacy in a particular culture in which Viger Square is situated.

This chapter stems from observations and notes that I kept during the activities of the group, but it was never a formal research project. This attempt at exhausting a place (Perec 1975), and a concept—moral and legal legitimacy—appears to be an exercise of auto-applied-ethnography at home (Meneley and Young 2013). The result looks more like the confession of a committed but not fully legitimized anthropologist. Legitimacy is not a concept that usually informs my work, but it is an appropriate term to explore this episode in the life of Montreal, the largest metropolis in Quebec, at a somewhat significant moment of its history. Indeed, 2017 marked the 375th anniversary of the city, as well as Canada's 150th anniversary. This chapter includes a presentation of the theoretical background, at the intersection of the writings on neoliberalism and public spaces, legitimacy, and anthropology of space. It is followed by empirical data, which support the conceptualization of *competitive sources and conceptualizations of legitimacy*. But let's start with the presentation of Viger Square and the group involved in its preservation.

VIGER SQUARE

The year in which the Square took its current name, 1867, marked the beginning of the heyday of Viger Square, a period that lasted until the 1930s. Back then the space was a Victorian park in the purest tradition, with walkways, a bandstand, and a glasshouse. In the early twentieth century, changes were brought in the neighbourhood: warehouses and industrial buildings were built nearby, and the closest prestigious institutions, such as the main train station, moved away from the Square. The Square lost its standing, its fountain, and its greenhouse and became home to a growing number of workers and economically disadvantaged people (Héritage Montréal 2008).

During the 1960s, the Square suffered more direct changes. First, the Champ-de-Mars subway station (1963) was built in the west sector. Then, the construction of the Ville-Marie underground highway (1976), that links the East and West areas, called for the complete destruction of the Square as it would pass underneath it and emerge on its east side. In the

vicinity of the Square, more than 3300 families were expropriated, 100-year-old trees were clear cut, urban facilities were displaced or destroyed (Bednarz 2013) and the buildings on the Square's south and north sides were emptied. Thus, the neighbourhood no longer had the demographic mass to animate the Square. Between 1966 and 1986, the borough lost nearly 40% of its inhabitants (Ville de Montréal 2014: 7). The area began to take on the appearance of a no-man's land.

In 1976, the Square was divided into three, and each part was attributed to a Montreal artist, who was commissioned to draw plans for what would be the new Viger Square over the highway. They were asked to design a space that would bring back the glory in the Square, while also supporting the underground highway infrastructure, such as ventilation towers. Charles Daudelin (1920–2001) was awarded Lot A, west of the Square, closest to the city centre. Mr Daudelin was a local modernist sculptor and painter known for numerous public art installations. His version of this section of the Square is a monumental urban development called *Agora*. It is composed of about 20 concrete kiosks (in some of which are the ventilation towers for the underground highway), overhanging a promenade of intertwined pavers leading to a lowered stage surrounded by water with a water-wall background. Also on the site is *Mastodo*, which consists of a bronze clepsydra, from which water flows into a cascade of concrete. The Daudelin lot is certainly the most mineral part of the Square, but it has a large number of vines and climbing plants of carefully selected varieties on some of the kiosks grouped in pergolas. Some of these pergolas were intended to house cafes and small shops, but this part of the plan was never realized (Art public Montréal s.d.). At the time, the *Agora* was the largest public work of art in Montreal (Figs. 9.1 and 9.2).

The modernist look of the new Square was far from the classic Victorian park it once was. Critics, numerous, pointed to the predominance of concrete, the rigorous and minimalist design, the loss of centennial trees, as well as the walls and the covered walkways that do not allow for a peripheral view (Fiset 2011; Doyon 2005). Furthermore, the innovative design came to life in one of the worst demographic periods in the borough and was isolated by roads on all sides from its inert neighbourhood. The city hall never invested time or money in its animation or even its maintenance (Pradel et al. 2017). The pergolas, the flowerbeds and the Square itself remained empty.

Because of its abandonment and its location, the Square's appropriation by homeless persons strengthened over the years. Over time, the



Fig. 9.1 Victorian-style Viger Square (Du Berger 1900–1905), of the collection *E. Z. Massicotte of the Bibliothèque et Archives nationales du Québec*



Fig. 9.2 Modern Viger Square. (art_inthecity 2009)

city authorities have made several interventions in the Square to dissuade homeless persons from using it. For example, dogs, loyal friends of homeless youth, were banned (Cameron 2009), the water from the fountains was cut off, and the artworks were modified, relocated, or withdrawn (Leblanc 2015b). The stated reason was the protection of citizens and art. However, there is no doubt that the lack of interest in the Square by the municipal authorities contributed to the decay of the site and its artistic structures. Over time, there were a few propositions to rebuild the Square, but nothing happened (Doyon 2005; Fiset 2011). The Square, as its users, was seen as illegitimate by the city hall.

In 2010, the kick off for the construction of a new mega hospital Centre hospitalier de l'Université de Montréal (CHUM) was given on three lots west of the Square. A large flow of employees and clients has been injected into the neighbourhood by this project. The Viger train station has also been revived and opened for office spaces. These changes in the near vicinity of the Square shed renewed interest in it, after many years of neglect and underutilization. In an exercise of vertical patronage (Pardo and Prato 2011), some ideas were launched by the city hall to animate it: reconstruct a completely new public space or use the land for a more profitable activity (Gentile 2012).

THE GROUP-WITH-NO-NAME

In January 2013, after hearing a radio interview with the director of the *Regroupement des artistes en arts visuels* (RAAV; Visual Artists Coalition) about saving Viger Square, I contacted him and asked to join the coalition working on its protection he was informally directing. This initiative sparked my interest because as a Montrealer for almost all my life and an anthropologist working on urban public spaces, I knew of Viger Square and I felt I could bring some support from a 'public space user' scientific and personal perspective.

The coalition had no name, was formed in 2008, and was informally composed of individuals representing themselves or associations working in visual art, heritage, or urban planning. One of its most notable members was Eric Daudelin, son of Charles Daudelin and manager of his father's heritage. The group provided him with a great deal of support towards the restoration and proper maintenance of the artworks. In 2009, they asked for the classification of *Agora* and *Mastodo* by the Minister of Culture, Communications and Status of Women, which was refused. As for other cases where the government is deemed illegitimate (see Hurtado-Tarazona 2018; Sarfati 2018,

in this book), that refusal sparked passionate advocacy for a change in regard to the restoration of the artworks to their original state (Regroupement des artistes en arts visuels du Québec 2012). When I joined, the group's activities were oriented mainly towards the sharing of news about the Square, personal networking and public interventions. The mission of the artists in the group was to protect and encourage the development of *Agora* and *Mastodo*, as well as other pieces in the other lots. The urban researchers in the group, like me, were concerned about an unnecessary destruction of the Square. After more than 40 years of neglect in a hollow neighbourhood, the arrival of the CHUM as well as the renewal of the Viger station meant that the neighbourhood fuelled citizens on the site, and no major work was needed to make it lively.

Candidates in the municipal elections were contacted to increase their awareness about the Square's artistic value. Richard Bergeron, leader of the Projet Montréal party (not yet elected), was invited (by a group member who knew him personally) to visit the Square. For him as for others, this was an enterprise of seduction between them and the Square; people seldom visited the Square before nor had heard good things about it, yet everybody had strong opinions about its conservancy. Throughout the visit, they were given the backstory and shown the original plans and the potential of the Square. After on-site demonstrations, everybody, including Richard Bergeron, agreed that its actual state was deplorable and showed support towards its conservation.

Over time, journalists were met in the Square (Doyon 2013). Letters were sent to op-ed sections in like-minded newspapers (Boucher 2013), and urban columnists were invited to visit the Square and write/talk about it.

In 2014, rumours that the city hall was working on a new development plan circulated. However, a larger urban redevelopment project being planned in the sector (the renewal of the Champ-de-Mars subway station and the entire covering of the underground highway further west) killed all separate planning for Viger Square and gathered everything under the same Champ-de-Mars umbrella. Although a CAD 28 million investment was voted in the fall of 2014, specifically for the Square's renewal, single initiatives for the Square (such as the Halles project) were put on hold in hopes that something for the Square would come out of the Champ-de-Mars process. Things were rushed because celebrations of the 375th anniversary of Montreal in 2017 were now being organized and the inauguration of the new sector was slated to be part of the festivities. During the fall of 2014, a co-planning process was inaugurated, which included a [website](#)

and public workshops on the development vision of the ‘Champ-de-Mars’ sector. Amongst many commentary sections, the website presented a photo of the Square showing decay and despair and asked people to comment it. The workshops, which attracted a high number of people in the urban design industry, were handled by a consultant firm, [Percolab](#). Here are my notes to the group after attending one of the two workshops, which I considered to be a sham.

Mr. Bergeron [elected in the opposition and appointed to the Downtown Strategy of the Executive Council of Mayor Denis Coderre] made an introductory presentation, insisting that the sector should be fully revitalized by the spring of 2017 and that he (they) did not have any a priori on the project.

Then, in continuity with the first consultation, we had to put colored stickers on billboards with themes that were of concern to us, and then to write our ideas on a bulletin board, and so on. I personally found the themes blurry and the exercises vague. For example, the theme ‘local shops’ seemed very unpopular, but how to know if people had in mind existing shops, future shops, shops at the eastern section of the Champ-de-Mars sector [where Viger Square is located] or shops on the western part.... (My notes, June 16th, 2015)

In October, a letter by the Group-with-no-name was sent to Richard Bergeron to remind him about his sentiments towards the Square. One month later, Richard Bergeron left the leadership of *Projet Montréal* and sat as an independent. All comments and contact attempts made to the city hall were kindly redirected to the website. The following winter, strong rumours of the complete destruction of the Square circulated. Networking intensified and attempts to meet with Richard Bergeron but also the Mayor were made. Throughout the following weeks, activities in and about the Square increased (for instance, a [heritage festival](#) explored Viger Square), and radio interviews were held (Leblanc 2015a, b). Hearsay led us to believe that new plans for the Square were made, in which the whole space was flattened down (thus destroying *Agora*) and *Mastodo* displaced within the Square.

The new design was publicized through a press release in June 2015. A journalist reported that:

The elected Richard Bergeron does not hide that the demolition of the work does not please the family of the artist. Montreal says it has no choice but to remove it, citing a ‘major public safety issue’, as this location is used by drug users.

Mayor Denis Coderre stressed the need to improve security in this sector. ‘It’s a scary island’, says Richard Bergeron, who blames its design. (My translation of Normandin 2015b)

Indeed, the Daudelin family took position against the destruction of *Agora*, while demonstrating openness towards a *certain* development addressing some issues (Normandin 2015a). New voices expressed their position in the media and in letters directed to the Mayor, notably the directors of Montreal’s major museums (Corriveau 2015a; Cha 2015). City councillor Anne-Marie Sigouin for the district (also Chair of the Planning Advisory Committee, and in the opposition party) came out in the city council and questioned the mayor for his *tabula rasa* proposal for the Square. We learned that the firm Exeko, which was commissioned by the city hall following public consultations in the fall to consult specifically with homeless persons inhabiting the Square, had a deadline for the report that came *after* the announcement of the dismantling project.

We sent a press release, right after which a major partner decided to pull out of the coalition and make its own statement. We put together a website and set up an online petition (both no longer live), and reports were made at the international level through heritage associations. Articles, cartoons and chronicles kindled the newspapers, mostly against the proposed design (Shaffer 2015; Garnotte 2015).

At the end of September, a new design version was announced on which the Daudelins worked with the city hall (see the design of Teisceira-Lessard 2015), to the group’s satisfaction. On 1 October, one last e-mail was sent, announcing that the RAAV achieved its objective and that nothing more could be done. Since then, the proposed design has changed, but the group did not get involved anymore.

LEGITIMACY AND NEOLIBERAL PUBLIC SPACES

In the case of Viger Square, the overuse of concrete and the isolation was not only a fashion statement as for other public spaces after the Second World War (Davis 1999); it was also meant to keep away the noise of the street. But it finally contributed to the reputation of the Square of being uninviting and inaccessible. The recent declaration of war on Viger Square’s design by municipal authorities underlined the need to put the public place up to date in the neoliberal city (Soja et al. 1983; Cenzatti 1993), notably through an increase in the control on the space and its

users but also through the standardization of its design (Flusty 1994; Low and Smith 2006; Mitchell 2003; Sennett 1976) in line with the most recent and touristic places elsewhere in Montreal and so-called global cities (Pardo and Prato 2011).

The revitalization of Viger Square is not only indicative of the neoliberal epoch within which it is situated. Anthropology of space and place offers the concept of identification (Lévy and Segaud 1983; Segaud 2007) to explain how some places are associated with individuals that use or inhabit them, physically or symbolically, and bears the qualities of these individuals. Viger Square is currently qualified as filthy and dangerous, because of its current users. In the mind of many, its redesign would attract new users, seen as more 'desirable', which would result in a positive shift in its identity. This illustrates that not everybody in the city is legitimate nor every piece of the city is viewed as legitimate. It also shows that the legitimacy of the space is constructed based upon its strategic use and users.

Furthermore, the political plan to rebuild the Square relates to the desire of its proponents to be attached to a place, to have a space in the city that 'belongs' to them. By anchoring their name, identity and work in the physical landscape of the city, they will not only gain moral legitimacy among their contemporaries but also ensure it for the future. Rulers, more than anyone else in the city, earn legitimacy through the built environment, as 'architecture is the clothing of the body politic' (Herzfeld 2009: 136). That would be easy, in the case of Viger Square. The complete reconstruction of a Square deemed ugly and misused is not only a *legal action* but it is *perceived as legitimate* by a large part of the population, the two being the conditions for governance (Pardo and Prato 2011). On the other hand, stigmatized people have only their physical body (often not totally functioning (Boucher 2017a, b)) and their life experiences to claim existence and the right to the city (Mitchell 2003; Lefebvre et al. 1996). They had no means to reverse the actions that were going to be undertaken on the Square, as they themselves are seen as illegitimate citizens.

Analysing the case of Viger Square through the activities of the Group-with-no-name sheds light on the legitimization process of a group of social actors usually forgotten when looking at the production of neoliberal urban space, that is, the intermediaries, who are between the rulers or the underdogs. Indeed, too often, the literature on neoliberal space conceptualizes the fight to revitalize dying public spaces as duels between classes, rulers and ruled, and people of power and the powerless. Further, ethnographic work often focuses on the weaker ones, on ephemeral and sponta-

neous practices, as well as on critical and marginal uses of public spaces, with an emphasis on empowerment, resistance, or countermovement (Holston 1998; Chase et al. 1999; Franck and Stevens 2007; Boucher 2012). As observed, the experience of the Group-with-no-name did not appear as activism in its traditional sense (Krase and Krase 2018, this book) nor as an ‘insurgent space of citizenship’ (Holston 1998) for two reasons. First, the activities of the Group-with-no-name are not examples of everyday urbanism (Chase et al. 1999) because the design and planning of the Viger Square were discussed by non-users (the Group-with-no-name), who proposed a carefully thought counter-design and plan to save the built artwork but not the space for its potential to the users (current and future ones). Second, it is not a loose space (Franck and Stevens 2007) as the dominant narratives about how to plan and use a public space are not being challenged by users who are stigmatized. Viger Square’s redesign by the Group-with-no-name does not reflect de Certeau’s *tactics*, the informal actions put forward to counteract the rulers’ decisions (de Certeau et al. 1990). Our actions were formal and legal, organized and informed. The fact that the activities of the Group-with-no-name cannot be called *strategies* either (de Certeau et al. 1990) illustrates this problematic duality in the analysis of urban affairs. We were organized and had means to influence decision-makers, but we were not rulers ourselves. The advocacy for the protection of Viger Square by the Group-with-no-name was closer to lobbying than ‘infrapolitics’ (Scott 1990). The lack of democratic political representation in the case of the City of Montreal is obvious by the Viger Square issue (such as in Ciudad Verde, see Hurtado-Tarazona 2018, this book) towards the citizens (who wanted it destroyed), the homeless population (who need shelter and security) and the art defenders (who wanted better acknowledgement for the Square). Our goal was not to gain official legitimacy for the group itself—it had no name and was purely ephemeral—but to claim dignity for the cause we defended (Marche 2012). In this sense, one could argue that it qualifies as infrapolitics, but it does not because most of our actions were not carried out backstage or hidden, discreet, or stealthy and because we were not a subordinate group since we all belong to the privileged part of society. Indeed, through our education, economic status and social networks, we were privileged enough to use legitimate tools such as lobbying, but without making them public because we acted as a non-profit.² Hurtado-Tarazon (2018, in this book) and

²As per law, non-profit organizations are excluded from the Quebec’s Lobbying Transparency and Ethics Act.

Sarfati (2018, in this book) explore other legal and illegal actions that are available to the people when they experience the failure of the municipal administration and demand justice.

This duality between the ‘rulers’ and the ‘ruled’ in urban studies is a useful tool to highlight the power relations (more or less) in the shadow of democratic practices. It also helps point to the discrepancies in needs and means in terms of different sources of legitimacy. To whom people and institutions are relevant and trustable is different from person to person, from institution to institution, thus sometimes creating conflicting actions in the quest for a particular claim to legitimacy. But under neoliberalism, the provision of services lies on the state, but also on non-governmental agencies and the private sector, as well as on traditional elites (Stern and Hall 2015; Stoker 2008). In the case of Viger Square, as for other public spaces (Low 2000), a great range of actors are highly or marginally involved in its production: from the small shop owners around the Square to the major art institutions and architectural firms and to the higher ministries. Each one of those groups, and the individuals that form them, has its own means and desires in terms of achieving its legitimacy through space, of being identified with this place.

The case of Viger Square provides an example of the intermediaries’ views of legitimacy at work, that is, the view of the Group-with-no-name and of some of its members, including myself. Lobbyism was the main tool, although it was applied discreetly thanks to the non-economic status of the Group-with-no-name. The coalition was temporary and had one goal: the conservation of Viger Square, mostly in the name of public art. It was not concerned with the users’ needs, nor was trying to reverse the whole political system. Furthermore, this case provides an example of the co-occurrence of competing sources of legitimacy, which could be defined as the competing actions and means undertaken to pose legal *and* trustworthy actions. The ephemeral and informal coalition that was the Group-with-no-name called for individual approaches to legitimacy to take a large part of the actions undertaken in the name of the group, who bore the illegitimate message of the saving of Viger Square, which sometimes resulted in discrepancies in the level and type of commitment.

To explore the co-occurrence of some of the competing legitimacy views around Viger Square, namely the ones in the middle between the rulers and the ruled, I refer to Knoke’s (1981) concepts of commitment and detachment in voluntary associations, contextualized to the particular culture in which Viger Square is situated, that is Quebec, Canada.

Quebecers have a way of dealing with power that has been rarely discussed and studied but is a common assumption. Generally speaking, Quebecers seem to be impermeable to a certain level of power from higher up, especially when terms of money, incomes, prices, expenses and financial planning are implied (see the work of Belleau, who comments this study: Tison 2016). Historically, Quebecers have long referred to themselves according to the saying *être nés pour un petit pain*, which literally translates to this: to be born for a small piece of bread. This saying reflects the idea that Quebecers will accept to be second best, that they consider themselves as being destined to get the short end of the stick, and that they are resigned to modest conditions. I explore here some of the reasons for this anomie (Merton 1957 [1968]), in an attempt to ‘take a more comprehensive view of the dynamics of legitimacy and of its relations to authority and power’ (Pardo 2000: 4). Some explanations might be found in the colonial history of Quebec, which was first under the French from 1508 to 1763 and then the British from 1763 to 1867. First, physical distance with the empires forced the colony to develop a strong feeling of independence and a great intolerance to intervention in local affairs by higher powers. Quebecers were, at worst, irritated by those in power and, at best, indifferent. Second, apart from a brief interlude (for a short period under British rule), the Catholic religion and its representatives had control over the everyday life of the people until the Quiet Revolution (1960–1975). Quebec as a Catholic society developed a Judeo-Christian asceticism that valued the sense of effort, renunciation, sacrifice and self-contempt (i.e., a refusal to show off). Those values were found in rituals but also traditions, habits and customs (Roy 2001: 20). Third, after a long time under colonial rule, which is still the case according to proponents of the separatist cause, Quebecers might not have yet developed a strong habit for and taste of power. As Albert Memmi, the Franco-Tunisian writer and essayist wrote: ‘How would one be interested in what one was so resolutely excluded from?’ (my translation, Memmi 1985 [1957]: 114). Finally, Quebec tends towards the left on the political spectrum, at least compared to the rest of North America. As such, individual success is not encouraged nor discussed (Tison 2016). The Quiet Revolution aimed at transforming various dimensions of Quebec culture, such as the Catholic rule. But the values and customs associated with the Judeo-Christian asceticism still linger. Especially if we consider the previous grounds, indigenous nations, in their precolonial organization, had a relationship to power and its legitimacy that was expressed in terms less focused on achievement by itself. As a result, the political, economic and social elites

in Quebec evolve in a unique context in North America (and reinforced by its geographical situation) at the intersection of indigenous, colonial and political practices that might explain this specific relation to power. Quebecers value labour rather than the achievements. They value the effort of working to get somewhere over being there. In terms of activism, they ask and work to deserve, rather than organize and act themselves (such as what we see in Krase and Krase 2018, this book).

CO-OCCURRENCE OF COMPETITIVE VIEWS OF LEGITIMACY

My implication in the Group-with-no-name was rationalized along these lines: as a citizen with a background in anthropology, I saw Viger Square as being a victim of its identification with homelessness, the power of the media and misinformation, as well as the ill will of newly elected politicians and bored or ambitious municipal urban planners. As an urban anthropologist living in the city, I advocate for a better understanding of the uses of urban public spaces, greater investment in their maintenance and enhancement (rather than total reconstruction), and more respect for this unique piece of art. My goal was to show other perspectives of the Square, thus encouraging personal attachment and lively experience of the Square and creating hindsight.

My actions were aimed at alerting the public about the Square and were oriented towards the bottom and not the top. I aimed at explaining the idea that ‘public spaces have important personal meanings for individual users and urban residents [and that] it retains cultural and political meanings symbolically encoded in their spatial relations and built environment’ (Low 1996: 238). My motto was that we should give city dwellers a chance to visit and beautify the Square, and let it share its cultural and political meaning with us and the future generations. I followed Jacobs (1991 [1961]: 90), who pointed out that a park cannot serve as a patchwork between two neighbourhoods. Now that the area around the Square seemed to regain some activity, through the CHUM notably, the Square would thrive as would the neighbourhood.³

I got some attention in the media, but as such it did not go further, and I received a moderate success with the public itself. I organized a public event in the Square, which was attended by less than ten people, in the

³ See Abraham 2018 in this volume for legitimacy at the neighbourhood level.

form of a pillow battle for the 100in1day event in a span of four hours. I contacted Hugo Lavoie, a radio commentator on urban issues, and we visited the Square together with Éric Daudelin. The interviewer had never been in the Square and seemed fascinated by the site and its history. After the interview was aired, Hugo Lavoie asked his radio show host if that convinced her to visit the Square. She replied ‘No’ before turning to another subject.

In June 2015, I sent a message to the group presenting a social anthropological argument in favour of the revitalization (restoration and animation) of the Square. I considered that the last exchanges between urban planners, heritage experts and public art defendants in the media gave little place to the potential of sociability, which is in my sense the *raison d’être* of an urban public space. I pulled out arguments by William H. Whyte, Jane Jacobs and Lyn H. Lofland. In August, a university colleague and I sent a co-written paper to *L’Itinéraire*, the Quebec version of the *Big Issue* (a local magazine by and about homelessness), to share a sociological and heritage perspective on the importance of the Square, in which I reused my sociological arguments presented a few weeks prior. The paper was refused because it was considered an opinion piece. My subject was not as such the invisible users who are trying to gain attention by occupying urban space (Mitchell 2003), although the voices of the homeless persons in Viger Square may have needed more support. My subject was the invisible modern architecture of Viger Square (Buchli 2013). Public spaces, whether they are modern or not, have the virtue of allowing citizens to get together and to learn to live with one another. I was convinced that Viger Square had everything to please its visitors. If the design of a public space is important, especially in terms of aesthetics and security, what attracts people to a public space is the other people. But there were not enough people in the vicinity to populate the Square, not enough at least to make a difference in the eyes of politicians.

I found it difficult to have my arguments included in the debates, to see my ideas for animating and producing the Square, living on their own. In my quest for the Square’s legitimacy in the eyes of the citizens, I started interrogating my own legitimacy as an anthropologist within the Group-with-no-name. To do so in this context only seems natural, since anthropology in Quebec, but also elsewhere (Jaschik 2011), is seen as a wacky and trivial discipline. Furthermore, scientific work, especially from social and human sciences, was strongly undermined during Canadian Prime Minister Stephen Harper’s nine years of power (2006–2015), which,

among other things, gave greater way to alternative facts in policies. How in an applied context did the anthropologist, compared to others, transmit his/her message? I had a valid reason to be a member of the group: I supported their cause, I wanted the Square to be saved from demolition. Was there a valid reason for the anthropologist to be there? No one cared.

Not as much as for other members of the group, at least. A renowned and powerful actor, that I call John to protect his privacy, was committed to saving Viger Square as a modern urban heirloom, but his presence in the Group-with-no-name brought a lot more, thanks to his experience within political circles and influential connections. His credibility was long established before he joined the Group-with-no-name, and it was maintained throughout his participation. I came to the meetings over-prepared, highly motivated to participate, well intended in producing and sharing documentation and long e-mails. John came in rushed by other meetings, dropped a few hints, and then left. He knew the mayor and his party, and the media; I know of Whyte, Jacobs and Lofland. We were both committed, and we both did our share of the work towards the protection of the Viger Square, within our own means. But for the mission before us and the time we had, assets of John and the likes were highly valued. Just having him publicly attached to our cause gave the Group-with-no-name a great deal of legitimacy because we would become more credible to the eyes of the people we were trying to get attention from.

Simply being committed was not enough. The legitimacy of our mission lay in the presence of legitimized members of the group. They themselves were legitimized to us because of their networks and capacity to mobilize the media. Legitimacy is a dynamic concept that relies on the perception of others. The others being bearers of various and dynamic ideas of legitimacy themselves, one's legitimacy is based on the need to please a certain group, thus making one's own legitimacy malleable and ephemeral. If our cause had been completely different, other persons would have garnered greater credibility. No matter how committed one is, it is a matter of reciprocal perception.

Given that Viger Square is a public Square, all citizens should have been given an opportunity to express themselves about it. Yet there was never a proper and fair public consultation about it, only trendy workshops that attracted hip designers in need of networking. One the one hand, this should lead us into questioning the government's ability to include large proportion of the population in the decision-making processes, as does Pardo (2018, this book). But on the other hand, that was for the best for

our cause, since our group defended the importance of saving a piece of art despised by almost everybody. Despite the debate being public, there was a clear distant reality between our group and the citizens. I approached the matter by trying to convince people that the Square was a great place to be, to enjoy. Then, by having citizens showing their appreciation and attachment to the Square, political power would not have felt legitimized, in terms of trust, to destroy it. By doing so, I suppose I was also trying to legitimize myself as an anthropologist, that is, in advocating for more input from the ‘ordinary people’, other intermediaries. But I was also trying to have our case deemed legitimized by the people, who, for the most part, did not support the saving of Viger Square.

Two factors negatively affected this strategy. First, building legitimacy for the Square required a lot of time. It would have been a matter of years before the CHUM’s visitors were attracted to the Square, appropriated it, and talked about it in positive terms. It would have also taken years before the city hall invested in its beautification and installation of urban furniture such as benches and garbage bins to accommodate its new users. And time was lacking. Against recommendations (Cha 2015), the city authorities wanted to act promptly in this case by the spring of 2017, in time for the beginning of the tourist season and the launch of the 375th anniversary celebrations.

Second, politicians indicated their preference for a total demolition and reconstruction, and their own credibility relied on their resolution. One month after the destruction was announced in June 2015, there was a flurry of media attention and reactions against it. As a journalist reported the words of the Mayor in a press conference: ‘The decision is made. It has been going on for 30 years. So, at some point, it has to be done’ (Corriveau 2015b). The goal was to offer the public a whole new sector in time for the 375th anniversary celebrations, but it was also a keen reminder to his electorate since his term was coming to an end given the elections in November 2017 (he lost to Valérie Plante). In the same vein as the mega projects of the 1960s in North American cities, it seemed obvious that individuals in power aimed at leaving a palpable legacy to which their name would be attached forever. Viger Square, in its former state, displayed decay and abandonment. The need to conceal this was urgent, as the Mayor’s and other civil servants’ then and future legitimacy depend (partly) on it.

However, on many occasions, I observed, quite surprisingly, different levels of retractions, by John and the likes, who came to the meeting rushing in and leaving abruptly; by an important cultural association, in June

2015, after we released our press announcement; and finally, by the RAAV itself, when the last e-mail was sent. On the one hand, these three examples depict busy people managing sensitive agendas within an ephemeral group whose mission was very limited. On the other hand, though, it is a manner of conducting advocacy/business worth exploring.

First, there is a cultural explanation for this. There is a fine balance to achieve when aiming at a legitimized position of power in Quebec. Legitimacy can only exist through the acknowledgement it gets, through other people's perception. As powerful as one may be, legitimization requires recognition, whether it is from the law or morally (Pardo 2000: 23). How, then, in a situation such as the protection of Viger Square in Montreal, do individuals or groups act upon legitimacy, in hand or claimed? I suggest that the legitimacy of the Group-with-no-name and of its members, individually, lies on the appreciation of their sense of effort, renunciation, sacrifice and refusal to show off. It lies on a certain level of detachment that expresses itself towards one's own work or success gratification. Many members of the group, and the group itself, aimed at acting in their own field of expertise, within their means. Everything else was off-limits and modestly, people stop being involved, whether it was a meeting participation or a public announcement. All these detachment strategies could be viewed as an effective manner of maintaining legitimacy once it is acquired.

Second, it also demonstrates that the Group-with-no-name and the protection for Viger Square were not means to achieve individual or institutional legitimacy. Every member of the Group-with-no-name had people to whom they were accountable in order to maintain their own legitimacy. This could not be affected by their implication for the protection of Viger Square, especially since it was so debatable.

Could this explain why I felt that my anthropological arguments were never appropriated by the rest of the group, thus legitimized? Could this explain why the group did not choose to develop a larger grass roots movement? Apart from the time issue, the expertise of each participant implied limited appropriation (of others') and diffusion of (their own) expert knowledge in ways that were the most more profitable. When the group's mission became more widely known in the summer of 2015, other groups and individuals asked to join us. It was implied by the core members that the group should stay with its first composition as it would be too difficult to focus on its mission with new partners. This refusal of extra support was a relatively surprising decision but understandable when

thinking in terms of competing sources and ideas of legitimacy; more members would have meant more people pulling the group in directions deemed as the most lucrative for their own legitimacy. Moving too far away from the goal, from the expertise area, or from familiar grounds was risky and could threaten the group's mission but also individual future endeavours.

CONCLUSION

The balance of commitment and detachment demonstrated in the case of Viger Square could be considered similar to the fundamental accord between engagement (to the people's cultural requirement) and superiority (by law) described by Filangieri (in Pardo 2000: 5), although the latter refers to two levels of power and their social contract, as the former concerns two sides of the same individuals in their quest for legitimacy in a pure exercise of citizenship.

Legitimacy as an object of study is multisided, complex, and full of intricacies. It concerns formal and public actions, such as the ones that fit into the framework of the law. It also concerns judgements, perceptions and emotions, such as the ones I shared in this chapter. A comprehensive study of legitimacy should consider its formal but also its phenomenological dimensions. To do so, all parties should be able to express themselves about legitimacy; those having some, those lacking it and those working to establishing it. What is lacking in my analysis is the point of view of stakeholders with power, particularly the politicians who hold the right to life or death of Viger Square.

It seems obvious that any political actions and grass roots movements imply notions of legitimacy. But are there any practices that do not involve some need for legitimization? Immigrants looking for qualified jobs, the military and LGBTQs are all in search of more legitimacy among their peers, in the urban scape or in society at large. However, as for so many topics in anthropology, we might tend to consider mostly the lack thereof, such as in the case of subordinate groups. Attention should also be paid to those situations and persons who have legitimacy, secured it or work to maintain it, such as the intermediaries. Furthermore, an urban context and the legitimacy of space and place could provide great insights in the study of the moral, economic, legal and civic dimensions of legitimacy as a concept.

As I write these lines, the Daudelin lot is fenced off, but there are no engineers' drills in sight. On the one hand, this is ironic since there was so much pressure to inaugurate the new design for the start of the 375th summer of Montreal. On the other hand, the combination power-authority-trust (Pardo 2000) is particularly affected nowadays in Quebec, and municipal construction projects are in great scrutiny, which slow all processes. In the fall of 2011, the Commission of Inquiry into the Grant and Management of Public Contracts in the Construction Industry was established and investigated during four years on a vast and complex system of bribes and collusion between politicians, construction contractors and civil servants at the municipal and provincial levels. Some of the 60 recommendations aimed directly at regaining the trust of the citizens towards civil servants and the elected body. Yet our hope that Viger Square will receive the attention and the love it deserves is still high.

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CHAPTER 10

In or Out? Emerging Urban Practices of Citizenship in East Africa

Lucy Koechlin

INTRODUCTION

The city of Kisumu, a Kenyan town on the shores of Lake Victoria, is, at first glance, a rather sleepy place. In the centre of town, colonial buildings line the broad streets, interspersed with some more modern buildings. This part of town is the business centre, so in the daytime it is a bustling place but not overwhelmingly so—people coming from and going to work, attending to financial transactions, buying wholesale goods, as well as sorting out small purchases such as stationary or shoes. At night, however, the city centre is spookily empty. Hardly a soul is to be seen on the streets, with the exception of the *askari*, the night watchmen sat in front of the stores, and the odd *boda-boda* driver on their bicycle or motorbike, waiting for a customer. This impression might be very different if you approach Kisumu through one of the mushrooming estates on the periphery of the town. Not the image of a rather sleepy, settled town but rather the impression of a rapidly expanding place full of people and new construction work. Some

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_10

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of the work is infrastructure related, with important new roads and major by-passes being built, and the concomitant mess of construction equipment, temporary roads and chaotic, noisy traffic at all times of the day and night. Somewhat less spectacular, but equally notable, are the many housing estates that are in various stages of completion.

A decade ago Kisumu was mainly a town of informal settlements and slums, busy jumbles of corrugated iron, small stalls and people and, on the other side of the spectrum, a few middle-to-upper-class neighbourhoods, with leafy streets laid out in an orderly fashion, semi-detached or detached houses nestling in well-tended gardens, and hardly a person in sight. But today it is a rapidly growing city of lower- to middle-class estates with modern apartment buildings that are changing not only the face but also the social body of Kisumu, for the material transformations are demarcating changing social, economic and political relations. In particular, the Kenyan constitutional reform of 2013 has opened up dramatically new relations between central government and the newly devolved authorities, with far-reaching fiscal, legal and administrative powers shifted to the county and municipal levels. Not surprisingly, given the fundamental change in political culture and the huge complexity of adjusting the legal, institutional and administrative realities, this process of devolution is far from complete.

But whereas devolution may be the most obvious force re-structuring relations between social actors, it is but one dimension of the re-articulation of practices and discourses of urban citizens. As we argue in this chapter, the transformations in the urbanity of Kisumu are more subtle than can be captured by a macro-focus on devolution; a more fine-grained, ethnographic approach reveals the nuanced transformations of political spaces and the significance of specific forms of urbanity for urban citizens. These less obvious processes allow for a more insightful understanding into the micro-physics and micro-practices of urban citizenship. In other words, the aim of this chapter is to explore these changing relations and provide a better understanding of their structuring both by and of urban actors, practices and broader articulations of citizenship and legitimacy.

In the first section, a brief synthesis of the background to devolution and its effects on the political and administrative landscape on a county level in Kisumu shall be provided, paying special attention to hopes and aspirations of citizens of Kisumu. In the second section, I shall take a closer look at novel urban spaces, and the ways in which urban actors make and shape new spaces of social and political agency, which I discuss in

more general terms in the third section. Lastly, I conclude with some conceptual reflections on urban futures and more specifically possible meanings of urban citizenship and legitimacy that can be gleaned from the shores of Lake Victoria.

DEVOLVING POWER, DEVOLVING LEGITIMACY, DEVOLVING CORRUPTION?

Kisumu is Kenya's third largest city after Nairobi and Mombasa. Its population is officially around 400,000,¹ although it is probable that it has grown significantly since the last census in 2009. It is strategically located on the shores of Lake Victoria as the only major Kenyan town, near the borders of Uganda and Tanzania. In addition, Kisumu is the capital of a county (Kisumu, formerly Nyanza province). In spite of these fortuitous features, it has never really played a significant role in the national economic development of Kenya. The reason is historical and political: Kisumu is the capital of the province dominated by the ethnic group of the Luo, aligned with the main opposition party. Since the early independence years to this day there has been major friction between the central government in Nairobi and the opposition in Kisumu. This friction sharply escalated for the first time in 1969, when Tom Mboyo, the popular and youthful Minister of Justice, who originated from the Luo-dominated Nyanza province, was assassinated. Subsequent confrontations 'were to spark violent riots during which the police in Kisumu and Nairobi killed scores of people. This caused a significant rift between the central government and the Kisumu people and marked the birth of opposition politics in Kisumu, leading to the town's marginalization in national development policies' (Onyango and Obera 2015: 174).

During this period, a highly centralized power structure was consolidated by Kenya's first President, Jomo Kenyatta, which was instrumental to the repressive politics of the following two presidential regimes.² The introduction of multi-party elections in 1992 did not destroy this centralized power structure; rather, the structure was instrumentalized to underpin the dominance of political factions. In other words, formal

¹<http://worldpopulationreview.com/countries/kenya-population/> accessed 6 June 2017.

²For excellent articles on the emergence and consolidation of the political system under the first two presidents, see Lonsdale (2004), Muigui (2004), and Odhiambo (2004). For more recent analyses of Kenyan politics, see Lynch et al. (2014).

democratization did not lead to substantive democratization; on the contrary, it led to a heightened political competition over the spoils of the office and concomitant violence especially around election time. All Kenyan elections were accompanied by outbursts of violence, but these tended to be localized and never captured the serious attention of international media. However, the violence ensuing after the elections in December 2007 was unprecedented; tensions erupted forcibly, fuelling widespread ethnic violence that led to countless displacements, looting and the death of over 1000 citizens.³

Indeed, Kenya is frequently used as a showcase for ‘political tribalism’, that is, ‘the competitive confrontation between ‘ethnic contenders’ for the material resources of modernity through control of the state apparatus [...]. Here, success is defined as maximising the power and resources available to one’s group, whatever the consequences for other groups or the functioning of the state as a whole’ (Berman et al. 2004: 5). In other words, political tribalism denotes politics that are organized along partisan ethnic lines, where political identity and legitimacy are articulated around ethnic belonging. Frequently—and certainly in the case of Kenya—ethnicity and ‘tribal’ discourses of belonging are invoked by elites to secure legitimacy and political support.⁴ In extremis, political tribalism, based as it is on its distinction between ‘we’ and ‘them’, can lead to a violent exclusion of the ‘(ethnic) other’. For all its inscription in discourses of autochtony, political tribalism links identity politics with the competition for material (mostly: public) resources in thoroughly modern social, economic, legal and political contexts.

Tribalism, however, is not just a term which is used in this sense by scholars; it is a term which is routinely used by Kenyans themselves. People will shrug their shoulders and say, ‘the problem is tribalism’, but they will also say that elections have fuelled tribalism by increasing the stakes of the office. As a recent headline in a national newspaper read: ‘Tribalism: Heart of Kenya politics?’, with the first sentence responding stating ‘Politicians and their sycophants are obsessed by “ethnicity” or rather the mobilisation

³For scholarly articles analysing the post-election violence of 2007/2008, see Cheeseman (2008), Bratton and Kimenyi (2008), or Kanyinga (2009); for an edited volume on haunting personal narratives of the violence, see Njogu (2009).

⁴The scholarly debate on politics, ethnicity, and tribalism in Kenya has a long history. See the seminal work of Lonsdale (1994); see also Orvis (2001), Atieno-Odhiambo (2002), Lonsdale (2004), Jenkins (2010), Lynch (2006, 2010), or Shilaho (2018).

of ethnicity – as the primary basis of politics’.⁵ In other words, especially in periods where political competition is particularly intense, such as around elections, political legitimacy in Kenya is still fundamentally underpinned by group belonging, not least because of historical experiences of exclusion and marginalization.

It was this factional political tribalism, instrumentalized by powerful political leaders across the spectrum, which led to the violent conflicts after the elections of December 2007. The extent of the post-election violence shocked the whole of Kenya and, under the mediation of Kofi Annan, jolted the two dominant rival (and ethnic) parties to agreeing to a power-sharing agreement. Under this agreement, Raila Odinga, the prominent Luo politician based in Kisumu, was finally appointed Prime Minister, after years of bitter political battles. Equally remarkably, the post-election violence also created a renewed momentum for constitutional reform, which had previously been blocked for decades. On August 24, 2010, a new constitution was passed in a national referendum, with the devolution of powers rolling out in 2013.⁶

A new constitution is remarkable under any circumstances, but in the case of Kenya it was perhaps even more so. The new constitution sought to address deep historical grievances, first and foremost by devolving centralized political power to the newly established counties. Arguably, ‘[d]evolution in Kenya has created a new and highly competitive political arena propelling the democratic process closer to the people’ (Steeves 2016: 479). True to its intention, the new constitution broke central control over state resources and handed fiscal and policy autonomy over in key areas, such as health, infrastructure, agriculture, or community development. The radical re-structuring of the formal institutional and procedural framework has led to new political spaces, actors and practices—not least in urban areas, which have seen a huge gain in constitutionally guaranteed autonomy and power, especially if they happen to be the capital of a county, such as Kisumu. New ministries, departments, councils and many more political, regulatory and administrative bodies have been established on a county level, with concomitant power over and

⁵Tribalism: Heart of Kenya Politics? by Yash Ghai in *The Star*, Aug. 27, 2016. http://www.the-star.co.ke/news/2016/08/27/tribalism-heart-of-kenya-politics_c1408909 accessed 6 June 2017.

⁶See Cheeseman (2008), Bratton and Kimenyi (2008), and Kanyinga (2009) for analyses of the 2007 elections and its aftermath.

access to state resources.⁷ In fact, the extent of Kenya's devolution is relatively unique, certainly in an African context.

A recent survey shows that urban dwellers in Kisumu were very clear in what they hoped and expected from their county government, namely the provision of electricity, better infrastructure and services, the creation of employment and improved education (Chitere and Ngundo 2017: 142). For Kisumu, this is particularly salient, as it is the centre of a province that has been the seat of the ethnic and political opposition since independence, with the ensuing 'calculated violence of neglect' (Chabal 2009: 153) by successive governmental regimes leaving deep emotional and developmental scars. It is no surprise that the Luo, the ethnic group linked to this region, were outstandingly in favour of devolution, unlike the Kikuyu, the ethnic group close to the ruling coalition.⁸ The survey quotes a citizen of Kisumu in this very sense: 'Initially [this province] was an opposition zone and most development activities never reached here. Now things are devolved and we are seeing change. The national government has been forced to distribute resources to counties' (Chitere and Ngundo 2017: 142). Another respondent underlined that 'Leaders are near [...] They will listen to your *shida* [problem]' (Chitere and Ngundo 2017: 142).

However, devolution has been a juddering and imperfect process at best. Partly this is due to the overwhelming complexity of a fundamental transformation in the institutional, legal and political framework of a country.⁹ Whereas the constitution defined the overarching principles, the nuts and bolts of devolution still needed to be spelled out on a local, regional and national level. Institutions had to be abolished and created, laws and by-laws written and passed, and new fiscal and political procedures established, to name but a few challenges. To add to the difficulties, the whole political culture of a country was turned on its head; from

⁷ Consider, for instance, Chap. 12 on public finance of the new Constitution, in particular Article 203, which states that no less than 15% of nationally raised revenue must be allocated to county governments.

⁸ Nic Cheeseman and his colleagues undertook an analysis of the impact of party politics on attitudes to devolution in Kenya; according to the results of their survey, 'while 85% of Kikuyu rejected the idea of [devolution] following the lead of their co-ethnic Uhuru Kenyatta [the current president of Kenya], 72% of Luo respondents backed the proposal' (Cheeseman et al. 2016: 31).

⁹ For a discussion of similarly fundamental regime changes in Albania, see Prato (2018, this volume).

citizens to technocrats to politicians, everyone had to adapt to the newly decentralized system, of which they frequently had uneven understanding and divergent expectations and interests (Cheeseman et al. 2016; D'Arcy and Cornell 2016; Steeves 2016).¹⁰ Lastly, but certainly not least, recent research suggests that a less idealistic intention than democratic empowerment underpinned a powerful momentum for devolution, namely the intention 'to increase rent-seeking opportunities for losing elites and patronage opportunities for traditionally marginalized groups' (D'Arcy and Cornell 2016: 256). Indeed, D'Arcy and Cornell conclude that '[d]ecentralization has not changed the way in which politics is practiced in Kenya, but rather the levels on which it operates, bringing it closer to ordinary people. In most counties it seems to have entrenched at the local level the practices that have been so problematic at the national level: rent seeking by politicians and ethnic patronage politics' (D'Arcy and Cornell 2016: 273). This "mirroring effect" in personal accumulation' (Steeves 2016: 494) on a county level resonates with frequently uttered sentiments on the street, where people will exclaim 'the only thing that has been devolved is corruption'.¹¹

Corruption, however, is a many-headed creature; it can be served to both *include* actors in redistributive networks through patronage and clientelism and *exclude* actors who do not have the right connections, identities, or means (Koechlin 2013, 2015). Within the discourse of political tribalism, the inclusion of ethnic leaders in government coupled with the decentralization of public resources promised political emancipation as well as immediate material benefits. Perhaps not surprisingly, therefore, respondents in Kisumu complained most about the lack of political and economic spaces that devolution had failed to open up. Asked to name the main problems of their county governments, 'corruption (23.1%), selfish and inaccessible leaders (17.2%), inadequate health and sanitation services (7.8%), tribalism and nepotism in employment and award of tenders (7.8%), empty promises/incomplete projects (6.2%) [...] and lack of involvement in people in planning (6.2%) were mentioned' by residents of Kisumu (Chitere and Ngundo 2017: 143).

¹⁰These practical and cultural difficulties were underlined in personal communications with informants working in civil society, administration, as well as the business sector in Kisumu, Kenya, in June 2014.

¹¹Most recently heard in several conversations during a field visit to Nairobi and Kisumu in January and February 2017.

These findings are in line with the findings on a broader level discussed earlier: political practices on a national level, characterized by corruption and patronage, have been ‘localized’ through devolution. Disenchantment and disillusionment with the—now local—political elites is, at least partly, a result of the ‘wrong’ kind of corruption. Devolution had carried the hope of including formerly excluded citizens, indeed making them full citizens where ‘formal aspects of citizenship, such as political rights, must coincide and be seen to coincide with economic and civil rights and the right to justice’ (Pardo and Prato 2011: 10, in this volume; Pardo 2018, in this volume). This has not occurred to the extent that citizens had hoped for, as following quotes from Kisumu respondents illustrate: ‘[The county government] has not helped me. [...] I have not been helped’, or ‘County *haisaidi kitu chochote* [county does not help in any way]... It is the cause of our problems... [There is] corruption which makes everything hard... has made it difficult for jobs to be got. You have to bribe to get a job’ (Chitere and Ngundo 2017: 142).

Summing up, devolution has dashed the hopes of many people in Kisumu and elsewhere with regard to greater political, economic and legal citizenship—although, as the responses by urban dwellers indicate, it would merit a separate discussion on specific meanings attached to ‘citizenship’ by local actors and the transformations that these meanings are undergoing.¹² With regard to the structural effects of devolution, it is early days yet, and findings are very much illustrative of a process, rather than a product. And yet it is safe to say that evidence from the ground points to the localization of national practices of exclusion. Whereas before devolution whole ethnic groups and regions were excluded from enjoying the fruits of citizenship, now localized, more specific forms of differentiation have taken hold on a county level. However, I would like to suggest that this is but one dimension of novel political and social formations. Especially in mid-sized urban areas such as Kisumu,¹³ new spaces are emerging that both are being shaped by and shape the practices, imaginations and aspirations of urban citizens. It is to this dimension that I turn in the following section.

¹² For an interesting case study of changing practices of citizenship, see Atalay (2018, this volume); and on seemingly conflicting forms of citizenship, see Mollica (2018, this volume). For a conceptual contribution see Prato (2006).

¹³ See Koechlin and Förster (2017) or the contributions by Ammann and Sanogo (2017).

THE CHANGING SPACES OF KISUMU

The sleepy impression one might have of the central part of Kisumu is one with a history. A few years ago, when I told a friend in Nairobi that I wanted to do research in Kisumu, he exclaimed: ‘Why would you go to Kisumu? Kisumu doesn’t even have supermarket!’ This was not quite true, because even in 2012 Kisumu did have more than one supermarket. However, in the five years since my first visit the number of supermarkets and—more to the point—huge, modern shopping malls has increased manifold. New forms of investment and consumption are patterning the city. The transformation that Kisumu is undergoing can also be witnessed in the growth of its peri-urban spaces. Kisumu is surrounded by bushland or at least what was bushland up to a decade or two ago. Now the housing sector is booming,¹⁴ and the town is surrounded by new housing estates under construction, with resonant names such as ‘Polyview’, ‘Mamboleo’, or ‘Lolwe’.

These new housing estates for the lower-to-middle classes are hugely interesting for all sorts of reasons. One, which I have discussed elsewhere, is the emergence of novel urban governance arrangements (Koechlin and Förster 2017). A second and related one is the changing materiality of the city. Known previously for its large informal settlements, Kisumu is rapidly becoming an attractive city of a distinctly new style. Not only are the actual building materials different,¹⁵ but the way of living embodied by these materialities is different. To illustrate, people moving to these highly attractive new housing estates are renting rather than buying, and they are living in gated or semi-gated estates in new apartment buildings with all the mod-cons. For most residents this presents a significant rupture from the shacks in the informal settlements, the small, old bungalows, the dilapidated council housing, or indeed the rural areas they grew up in. At this point let us be reminded that ‘the material world – the world of buildings, roads and other physical infrastructures – is not just the background for the action of social, economic and political life. It is the very stuff through which these elements are produced and reproduced. As we create our

¹⁴For headlines on Kisumu’s housing boom see <http://www.nation.co.ke/lifestyle/DN2/A-boom-in-Kisumu-housing-sector-in-the-offing/957860-2543880-vk0c4tz/index.html> or <https://www.standardmedia.co.ke/business/article/2000212292/kisumu-booming-property-market-attracts-investors> accessed 6 June 2017.

¹⁵See for instance <http://www.nation.co.ke/lifestyle/DN2/A-boom-in-Kisumu-housing-sector-in-the-offing/957860-2543880-vk0c4tz/index.html> accessed 6 June 2017.

cities, our cities create us' (Latham 2017: 184–85; see also Lefebvre 1991). The ways in which this co-creation of urban space and agency is happening right now in Kisumu are not just manifest in the construction work; they are a sensory experience transforming the urban experience and, I would argue, the meaning of urban citizenship (see also Hurtado-Tarazona 2018, this volume).

I was staying in one of these crazily growing estates in 2014. Lolwe was a large and chaotic estate, with dirt roads, hardly any street lighting, and very smart apartment buildings mushrooming erratically across the estate but located not too far from the centre of town. The first impression of Lolwe was just of a jumble of dirt and construction in a large open space of bushland. There was no discernible logic to the plots or to the road layout, and it was not a busy place. At the broken and always-open gates of the estate—which was not fenced in—a small group of *boda-boda* drivers hung out. There was a shop or two on the road outside the estate, where the *matatu*, the minibuses for public transport, stopped. Although there were very few amenities at the time, it was evidently an attractive place to live. 'Ah, you stay in Lolwe!', people used to exclaim. 'Yes, Lolwe is a nice place', they said—although I was not quite sure whether it really was so nice. One reason for my diffidence was the lack of security at night; Lolwe is very close to one of the most infamous slums of Kisumu, and crime was a real problem. Although I stayed in a bungalow-style house with no fence, my housemates had dogs, which seemed to suffice to deter burglars. The new apartment buildings not only had barred windows, but many were also surrounded by walls and high fences. At night there were very few people around, and it was not a safe place. Also, the lack of streetlights and the terrible condition of the dirt road, hollowed out from the rain and all the construction vehicles, did not make it more attractive to the eye or to the foot when trying to avoid the potholes and puddles. But for residents of Kisumu Lolwe was full of promise; it was relatively affordable (although even then prices and rents were rising rapidly), the houses and apartments were new and built in an attractive, fresh style, it had all the amenities like running water, power and sewage, and it was in a good location in a useful distance to the centre of town.

I returned two years later, in early 2017, and Lolwe was a different place. The number of buildings had at least tripled, most plots had buildings on them, and only very few patches of bushland still remained. All of the new buildings were apartment buildings of three or more stories. Some of them have proper walls around them, or are even mini gated

communities, with two or more buildings surrounded by a tall wall with broken glass on top. Others are just standing haphazardly, sometimes awkwardly close to each other, others alone at a strange angle. There is no geometrical order to it of the kind that idealtypically characterizes urban planning—a clearly defined ‘place’ in Michel de Certeau’s (1984: 117) sense. On the contrary, Lolwe estate is definitely a ‘space’, ‘composed of intersections of mobile elements’ (de Certeau 1984: 117), that is, of the practices, interventions, experiences and imagination of the social actors ‘living’ the space. Today, Lolwe definitely feels like it has ‘come together’ in a material and social sense: it is a busy place now, people are coming and going, and there are small shops there, even a tiny music studio. Outside the gates of Lolwe there is a thriving social life, with bars, gaming shops, beauty salons, small kiosks, liquor stores, and more. It turned out that many people I met in Kisumu lived in Lolwe: the activist in his 30s who works in a small NGO in one of the slums, the young researcher who teaches at Maseno University, and the producer who runs the tiny music studio in his home.

URBAN AGENCY AND THE AGENCY OF URBANITY

Although this as yet is based on an ethnographic sketch, I argue that Lolwe potentially can be read in terms of urban space and citizenship shaped by the past, present and the future of urban Kisumu. The history of the very grounds that the estate has been constructed on sheds light both on structural contexts and on everyday practice: it was ‘donated’ to a cooperative by the most powerful political family in the province, at that point just a large stretch of bushland. Back then, in the 1990s, owning one’s own plot and house was of course an attractive proposition, but it was a far cry from the housing boom experienced today—not least because the ‘middle class’, who could afford such a plot back then, consisted only of a thin and poor layer of civil servants. This peri-urban area was definitely not urban yet; it was ‘out in the sticks’, it was still bushland. As Onyango and Obera underline, the structural context was completely different; Kisumu was politically and economically marginalized, and in that period the ‘water and sewage services were never expanded, no new public housing was being constructed, and unemployment continued to rise’ (Onyango and Obera 2015: 176). Within this structural context, the practices of urban dwellers also took on different forms. ‘Urban’ practices associated with the metropolis were mainly confined to the illegal and violent, with

Kisumu seeing a growth in youth gangs and organized crime. Everyday life of urban citizens took on a rather more mundane and provincial form, with little diversity in terms of social, cultural, economic and political life. Nairobi was the hub of urban life, dominating all aspirations and opportunities; all educational degrees, business contracts, political careers and dense cultural life could really only be attained in Nairobi.

In the meantime, not only the structural context, but also the very experience and creation of urbanity, has changed. The example of Lolwe illustrates the continuities as well as transformations of urbanity in Kisumu. To all intents and purposes Kisumu is still not a metropolitan space; in many ways, it is a ‘small city’ in David Bell and Mark Jayne’s (2006) understanding. But within the broader political setting of devolution and the overarching respacializations effected by globalization and ICTs, new flows of resources have fundamentally transformed urban spaces and materialities. At the same time, urban dwellers have created new urban practices; indeed, they are enacting new forms of urban agency. These are characterized by new horizons, which, counterintuitively, actually put the potential of Kisumu on centre stage, rather than the elusive promise of Nairobi, through the emergence of new types of living—such as renting a modern flat—and new, distinctly urban forms of encounter and distanciation in the interactions between urban citizens.¹⁶ Estates such as Lolwe allow for urban anonymity and ‘blasé-ness’ in Georg Simmel’s classic sense (Simmel 2002), for residents come from different backgrounds, and the built environment allows for anonymity and distanciation as one goes about one’s daily business. However, these new estates also produce novel spaces for various types of encounter, for social interactions in different public spaces, be it in and around the apartment building people live in, be it at the gates of the estate as people go to work, or be it at night enjoying the music and night life just outside the main gates. These novel, specifically urban interactions are cutting across habitual interactions; whom one encounters and how one encounters them are, at least to an extent, loosened and freed up, creating distinct, novel forms of urbanity.

This sense of changing urban space goes far beyond the dynamics of one estate. This was brought home to me when walking back into the centre of town from an informal settlement in the east of Kisumu. This leisurely, perhaps one hour, walk in the late afternoon sunshine was a

¹⁶See Förster (2013) or Koechlin (2015) for a discussion of the relationship between encounter/distanciation and urbanity.

sensory experience of the transforming materiality and sociality of the city. The walk took us through densely populated shacks and corrugated iron and (for an outsider) confusing twists and turns, sometimes with a civil nod and chat with the neighbourhood chief and his people; into open spaces scarred by walking paths and (motor-)bike tracks; across tiny markets closing down for the day—with one of my colleagues chatting to one of the market ladies, letting her know that the small fish he had bought the previous week had indeed been delicious, and discussing some details of its preparation; through new, geometrically designed estates laid out in a proper grid, with the buildings all alike and the residents hardly visible behind the high walls; past dusty sports grounds and children in uniform pouring out of a large school; and finally closing into the centre through a neighbourhood of large, slightly ramshackle plots of detached and semi-detached bungalows, dating back to colonial times, interspersed with new and very smart houses indicating the wealth of the owners and the novel attraction of investing in housing. Contrary to a metropolis, where the overwhelming size and mass lead to far more social and spatial differentiation, the urban spaces and actors in Kisumu are less distinct, have more interrelationships, and have more space—in all senses—to ‘live’ the city.

CONCLUSIONS: CHANGING OURSELVES BY CHANGING OUR CITY?

Although the novel urban practices sketched out in this chapter are very much in the making, they do open up glimpses into possible shifts of identity and citizenship of urban residents. In the words of a fellow researcher working on creative practices and cultural production in Kisumu: ‘I sensed a collective self-confidence in the way this cohort of youths [the young artists he was working with] related to the opportunities in the city and their own place therein, linking their personal growth to the becoming of the city’ (Unsel [2017](#): 18). Ultimately, it is an empirical question to see how these transforming identities relate to more established, ‘traditional’, possibly clientelistic practices or whether they truly herald new political spaces and specifically urban citizenship. Of course, it is also very possible that these shifts are partial, fleeting and vulnerable to structural trends. I argue, however, that they are still significant, for they allow us to develop an understanding of lived urban citizenship in these towns, which has a very contradictory and sometimes only perfunctory interrelationship with legal or procedural understandings of citizenship. It is much closer to

Lefebvre's much-heralded concept of the 'right to the city': the demand for a transformed, renewed and lived access to urban life (Lefebvre 1996). David Harvey describes it as 'the right to change ourselves by changing the city' (Harvey 2008: 23). Harvey argues strongly that '[t]he freedom to make and remake our cities and ourselves [...]' is 'a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization' (Harvey 2008: 23; for an interesting case study, see Sarfati 2018, in this volume).

It is not clear yet where this remaking of urban spaces and actors is leading to or even what kind of urban futures are in the making. Based on the research presented in this chapter, it is not even clear whether one can usefully posit any kind of 'exercise of collective power' or if these urban practices are merely coalescing and fragmenting in ever-changing contexts. This latter insight, however, is a potentially fertile trope to understand rights, claims and identities in and of urban spaces. Urban citizenship needs to be re-thought through the practices, judgements and imaginations of urban actors that draw on certain moral orders, engage with structural constraints, enable specific modes of being,¹⁷ and create novel urban spaces. This means taking leave of dominant ways of thinking about citizenship and the right to the city. The urban practices and interactions emerging in the rapidly transforming urban spaces may well be in the process of creating and shaping urbanities *sui generis*, with concomitant meanings, practices and discourses of citizenship. How people make sense of the different ways in which cities make them and they make cities may have an element of purposeful collective action, but I would argue that such urban transformations are predominantly emerging through lived practice, not necessarily through the exercise of collective action.

These reflections are of immediate importance for the key issues of this volume, namely the erosion of legitimacy and the question of urban future. Turning to the issue of legitimacy first: intriguingly, a contradictory process can be observed in Kisumu. On the one hand, the legitimacy of the political system as a whole has actually increased in the wake of the new constitution. Political power and accountability have been devolved and are definitely closer to the people on the ground. In this sense, there is no erosion of legitimacy, on the contrary. But on the other hand, the difficulties of actually institutionalizing and practising the new democratic powers, as

¹⁷For a comprehensive discussion of the relationship between agency, structure, moral order, and legitimacy, see Pardo (2000).

well as the ‘devolved’ corruption by local elites, have indeed dashed and eroded the hopes and expectations of the people in their hard-fought fight for democracy. In this more local sense, the legitimacy of a devolved system and the previously credible local leaders is being put to a hard test. An additional difficulty is the national context, where the recent presidential elections demonstrated how little has de facto changed in terms of centralized, non-inclusive politics; the incumbent president, Uhuru Kenyatta, was declared the winner against his veteran rival from Kisumu, Raila Odinga. In spite of the annulment of the election and a second re-run, people in Kisumu (predominantly supporting Raila Odinga) viewed the whole process as deeply flawed and abused by the governing party. There were localized violent clashes and stories of police violence in areas dominated by Luo residents. Building on this sentiment, their leader, Raila Odinga, withdrew as a candidate from the second round out of protests.¹⁸ The residents of Kisumu are therefore caught between a rock and a hard place: although they are critical of their own leaders as a result of the mismanagement, lack of accountability and corruption experienced under devolution, they are under great pressure to present a united front against the government and party in power. The issue of legitimacy thus remains of central importance in Kenya. Many had hoped that the new constitution would bring a swell of legitimacy and the institutionalization of trust and credibility to Kenyan politics, only to find their hopes ever more frustrated. Especially in politically and economically marginalized regions of Kenya, such as in Kisumu, the people’s trust has been broken so many times in the history of post-independent Kenya, that the very idea of legitimacy has become fraught with anger and frustration.

A more promising question is the potential of urban futures in Kenya. As this chapter argues, possibly novel forms of urban citizenship are emerging which are developing own, more emancipatory interconnections, practices and identities, rubbing up against national politics and globalized economies. Material transformations of urban areas and the speed of urbanization are producing new spaces that urban actors are appropriating, co-producing and living in new forms of urban citizenship.

¹⁸For a summary of the repeat elections and the events surrounding them, see <https://www.nytimes.com/2017/10/30/world/africa/kenya-election-kenyatta-odinga.html> accessed 20 January 2018. For the perspectives of two key figures in the election, incumbent Vice President William Ruto, and opposition leader Raila Odinga, see <http://www.aljazeera.com/programmes/talktojazeera/2017/11/william-ruto-raila-odinga-kenya-election-171103120242825.html> accessed 20 January 2018.

How open and inclusive these will be, how ephemeral or stable, and whether they can articulate new forms of political legitimacy are, at this stage, all empirical questions that merit closer ethnographic attention.

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Citizenship and Legitimacy: Kolkata's Anglo-Indian Experiences

Robyn Andrews

INTRODUCTION

Since Indian Independence over 70 years ago the situation for Anglo-Indians in India has varied immensely, waxing and waning mostly in response to circumstances beyond their control.¹ India's current ruling political party, for example, with its barely concealed Hindu nationalist agenda is adding to an (arguably) existing sense of insecurity for this minority Christian community. Yet within the mostly Hindu milieu of the Indian nation, there are Anglo-Indians who are growing from strength to strength in their professional and personal lives. There are also those whose primary allegiance is to community, rather than the nation, with their lives being the better through community social service organisations provisioning of them—both materially and emotionally.

¹Varied external influences have almost always been experienced by members of the community, but there are specific influences during the time period covered in this chapter.

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_11

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In this chapter I outline the situation for Anglo-Indians, particularly those in Kolkata, by describing relevant aspects of the Indian political situation, such as the Indian Constitution's definition of citizenship, India's distinct version of secularism and the nationalist agenda of the current ruling party. I discuss particular threats to Anglo-Indians' sense of belonging to India and present two examples which illustrate the strategies that may be employed in carving out a legitimate place to belong within India. One example lies within the being of a person, the current president-in-chief of the All India Anglo-Indian Association (AIAIA) whose home is Kolkata; and the other is an organisation, the Calcutta Anglo-Indian Service Society (CAISS). The former demonstrates the conditions that allow for a position of legitimacy and power within the community and the nation. The latter illustrates how an organisation can work with and for their community to make a space for community members to feel at home and cared for, with access to some power.

As I demonstrate, in one case the person has the political wherewithal and accumulated capitals in Bourdieu's sense (1984, 1986) and cosmopolitanism to negotiate his own way, whereas the other works outside the broader political system and offers a unique and invaluable service to Kolkata's Anglo-Indians. The two examples draw out different aspects of what legitimacy looks like, or what it lacks, in this socio-political space.

The type of legitimacy I address in this chapter is concerned with citizenship and the consensus about whose worldviews and practices are endorsed and recognised by the nation as acceptable—socially and individually; see also, Pardo (2018, this volume), who addresses similar issues, in his case in Naples. It is also about who has power, and how tactics and strategies can be activated to achieve influence in particular situations.

India has been known for its accommodation of a diversity of worldviews and practices, that is, for a tolerance of difference leading to relative lack of conflict or competition over the legitimacy of different socio-cultural and religious practices. As I discuss further along, this appears to have altered over the past few years, with the current government demonstrating that some ways of being are more acceptably 'Indian' than others. This sets up a structure entailing one set of practices being seen and felt as more legitimate than another. Abraham's (2018) work in villages in Kerala, Boucher's (2018) in a central civic square in Montreal and Pardo's (2018) work in Naples (all in this volume) also provide ethnographic examples illustrating that in *certain situations* it is the case that there is not the same access to a legitimate position for all; rather, a zero-sum game situation operates.

That is, legitimacy can be seen as being finite, so when one group gains, another loses. Conflicting claims to (or views of) legitimacy, with different agents competing for the same space, may result in one being deemed more legitimate, while another's claim to legitimacy is eroded.

CITIZENS AS THE RESPONSIBILITY OF THE STATE

Pardo and Prato write about the nation's responsibility to offer their citizens a sense of legitimate belonging, stating that the 'key task of governance is to establish and nurture the connection with citizens' values, needs and expectations, the strength of which depends upon the observable quality of the link between political responsibility and trust and authority in the exercise of power' (Pardo and Prato 2011: 1). This addresses the concerns of this chapter and the reliance of citizens on their government to provide a secure socio-political environment. But what happens when that is not provided? Prato's chapter in this volume (2018) addresses such an issue offering a comparative analysis of (1) 'the relationship of representation (between rulers and the ruled), the ethics of responsibility of elected politicians and the legitimacy of decision-making' in Italy (and what happens when people start questioning such legitimacy); and (2) 'the extent to which a written Constitution and democratic institutions actually guarantee citizens' rights and their participation in the new social and political order' in Albania. Additionally, in an earlier publication (Prato 2011) she discusses the new democratic state of Albania in the context of its failure to guarantee the well-being of its citizens.

Ghassan Hage (2003) also writes about situations when the state does and does not offer security to its citizens. In writing about the obligations of the state to its citizens, he compares the nation to a caring breastfeeding mother who through her action gives her child both nourishment and a sense of attachment and security. He argues that with such a successful caring role the nation can engender in its citizens a similar level of returned care, along with security, such that if there is some sort of threat, this will cause worry (as for a small child if their mother is absent longer than expected), but not develop into an entrenched 'culture of national worrying' (Hage 2003: 1). He adds, that when worrying about the nation becomes the prevailing mode of relationship with the nation this 'exerts a form of symbolic violence over the field of national belonging' (Bourdieu 1991, cited by Hage 2003: 1).

Hage describes ‘the significance of the relation of care that can exist between the nation and its citizens’ (2003: 1) arguing that it is a reflection of the ‘quality of the relation between the nation and its citizens’ and determines the way threats are felt by citizens. Prato in this volume makes a similar point, arguing that, ‘the relationship between government and citizens needs to be conceived—and acted upon—as a relationship of reciprocity’. Hage also argues that ‘by being a mechanism for the distribution of social opportunities, society operates as a distributor of social hope among the population it encompasses’ (2003: 2) and that ‘hopefulness is above all a disposition to be confident in the face of the future, to be open to it and welcoming to what it will bring, even if one does not know for sure what it will bring’ (Averill et al. 1990, cited by Hage 2003: 2).

Later in the chapter, I look at threats and possible threats Anglo-Indians are faced with, which counter a sense of citizenship, that is, of feeling fully embraced by India as home. First, though, I introduce the community.

WHO ARE THE ANGLO-INDIANS?

Anglo-Indians are a minority community of mixed Indian and European descent. The community originated as a result of various European groups making their home in India from the very late fifteenth century onwards. From the liaisons that ensued, a culturally distinct minority community was established in India. They are defined in the Indian Constitution which states that:

An Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only. (Section 366 (2))

Socially and culturally Anglo-Indians are habitually more Western than Indian in their practices and worldviews, for example, they are Christians, mostly have English as their mother tongue and have European names. Another characteristic of Anglo-Indians is that those in India have a culture of migration, or as Caplan puts it, a ‘culture of emigration’ (Caplan 1995, 2001). This is based in large part on more than half of the population leaving India since India gained its independence from Britain in 1947. The culture of migration is so pervasive that Anglo-Indians who

stayed in India, who may number up to 500,000,² are frequently referred to by others as having been 'left behind'. Migrants who left, and are still leaving, mostly do so because they feel insecure about what the future in India offers themselves and their children, especially in terms of maintaining their lifestyles and cultural practices, obtaining meaningful employment and finding socio-culturally suitable marriage partners. Many of the early migrants were afraid of negative repercussions after centuries of aligning themselves with the British during the Raj times. Mostly then their migration was driven by a complex combination of economic, political and cultural insecurity.

Given Anglo-Indians' background of attachment to Britain, it is understandable that Indian Independence in 1947 appeared to pose a potentially serious threat to them and Anglo-Indians were fearful of reprisals once India gained its independence. These retaliations did not, in fact, eventuate; rather the community, perhaps surprisingly, were accorded a number of benefits which were written into the Constitution of the newly elected Congress government. The benefits included representation in state legislative assemblies, where their population warranted it (Article 333), provision of two seats in the Lok Sabha—also known as The House of the People (Article 331), employment reservations (referred to by Anglo-Indians as 'quotas') in the railway, customs, postal and telegraph services (Article 336) and an allocation of grants for Anglo-Indian schools (Article 337) on the condition that the schools accept at least 40% of non-Anglo-Indian students. These benefits, with the exception of state and national representation,³ were set up with a formula for their gradual disbandment. Even so, schools continue to be protected by a 'dearness allowance' scheme which subsidises teachers' salaries and other grants that enable Anglo-Indian students' preferential access to the schools.⁴

Even though there were benefits, rather than reprisals, with the first post-Independence Congress-led government, this did not ameliorate

²The number of Anglo-Indians is unknown due to not being officially enumerated separately in the ten-yearly national census since 1951. This estimate is based on Frank Anthony's population estimate (Anthony 1969) and recent updates by Kerala's Anglo-Indian association, which estimates several hundred thousand in that state alone. Estimates of the population in Kolkata range from 30,000 individuals to 30,000 families.

³Currently there are two Member of Parliament (MP) seats at national level, and one seat in the legislative assembly (MLA) at state level where the population of Anglo-Indians in the state is high.

⁴I elaborate on this in an earlier work (Andrews 2014: 133–136).

Anglo-Indians' sense of insecurity about their future in India. As the British left India, Anglo-Indians began to do the same, resulting in major waves of migration (Blunt 2005; Caplan 2001; Mahar 1962), the first of which occurred immediately after 1947 when tens of thousands left for England which they had always considered as some sort of a homeland (Blunt 2002; Stark 1926). The second major migratory wave was in the 1960s, coinciding with a move in India to replace English as the national language. The prospect of Hindi as the sole national language was a concern to Anglo-Indians as they mostly did not speak the language well enough for employment and other purposes. Other reasons for the migration at this time have been attributed to the closure of large international companies in the main centres where many Anglo-Indians had employment, and the expiry of employment quotas.⁵

BACKGROUND TO CONSTITUTIONAL PROVISIONS

It has been unclear to many Anglo-Indians, including scholars, why Congress leaders in setting up the new independent government and constitution were willing to grant provisions to Anglo-Indians in the context of curtailing and reducing measures for most other groups. Uther Charlton-Stevens suggests (in personal communication 30 May 2017) it related to wider minority politics. In his D.Phil. thesis, Charlton-Stevens (2012) states that the provisions in the constitution were effectively secured by the Anglo-Indian, Frank Anthony, acting at the time in his role of President-in-Chief of the AIAIA and Member of Parliament (MP) (Lok Sabha), by appealing to the Congress government. He was apparently surprised by the generosity of the Congress government (Charlton-Stevens 2012: 350) in terms of the scope of provisions made which included the renewal of quotas and the ability to run their own schools. He notes that while provisions were made, no funds were offered in support.

Charlton-Stevens also documents that Gidney, during his tenure as President-in-Chief in the 1930s and into the very early 1940s, had appealed to the soon-to-be-departing British government for security through a range of means (some contradictory), for example, for an ease of migration limitations for Anglo-Indians to go to the dominions and for

⁵This issue was highlighted to me by Anglo-Indians I interviewed (e.g., in Melbourne in 2007) about their reasons for coming to Australia and is noted by Blunt (2005: 156).

the ability to set up homelands within India.⁶ At the same time, Gidney also began applying pressure on Anglo-Indians to consider themselves citizens of India (Charlton-Stevens 2012: 293). A cynical analysis of this latter strategy is to see this as a ploy to keep sufficient Anglo-Indians in India for him to be the president-in-chief of something. Gidney died in 1942, and Anthony took over as President-in-Chief and reversed any ideas for emigration that Gidney had been supporting and/or seeking (Charlton-Stevens 2012: 301).

Gidney and Anthony both appealed to the Anglo-Indians to 'make India home' but in different ways. Gidney was still looking for a homeland, hoping that such an entity would be ruled by the British, but Anthony took the nationalist route, appealing to Anglo-Indians to consider India their home and identify as 'Indian by nationality, and Anglo-Indian by community'.

ANGLO-INDIANS AS CONSTITUTIONAL CITIZENS⁷

There is no question that Anglo-Indians are Indian citizens, meeting the 'birth' criteria embedded in the Constitution. According to the political scientist, Subrata Mitra, the main articles of the Indian Constitution 'abjured racial purity in favour of birth and residence on the soil of India' (Mitra 2010: 46) with the 5th Article of the Constitution stating that:

At the commencement of this Constitution, every person who has his domicile in the territory of India and—

- (a) who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

Mitra, in discussing the results of four questions on citizenship in a 2009 Indian National Election survey, posits the theory that in a post-colonial state such as India, there are overlapping legal and moral categories in the

⁶One prevailing 'myth' amongst Anglo-Indian migrants was that if Churchill had not lost the 1945 English General Election, Anglo-Indians would have achieved this in the Andaman Islands, or in the Seychelles (Charlton-Stevens 2012: 286).

⁷This section draws from my chapter in *The Palgrave Handbook of Urban Ethnography* (Andrews 2018).

relationship between citizenship and identifying with the society, such that, ‘Just as the legal right to citizenship is accorded by the state, identity, and following from it, the moral right to belong, is what people give to their claims to citizenship’ (Mitra 2010: 47). He further explains that ‘when both converge in the same group, the result is a sense of *legitimate citizenship* where the individual feels both legally entitled and morally engaged. If not, the consequences are either legal citizenship devoid of a sense of identification with the soil, or a primordial identification with the land but no legal sanction of this’ (2010: 47, emphasis mine).

The study Mitra writes of identifies survey participants in different ways: by community, geographic location (including urban and rural), age, caste, class, and gender. Anglo-Indians, like many other minority communities, are not identified in the survey, so responses to the types of questions asked in order to ascertain the sense of citizenship across Indian nationals are not able to be extrapolated specifically for Anglo-Indians.

Although Anglo-Indians are the only community in India to have ‘Indian’ in their name, the category of ‘legal citizenship devoid of a sense of identification with the soil’ would likely have applied to many, evidenced by their ‘migration’ culture. A challenge to citizenship for Anglo-Indians is that they feel culturally different to others born in the nation; this is not a feeling that is held by Anglo-Indians only, members of other minority groups are also likely to feel this way in the Hindu majority-Muslim minority political space. Generally, as concisely summarised by Pardo and Prato ‘citizenship ought to serve the purpose of establishing belonging to a specific group and defining the identity of its members’ (Pardo and Prato 2011: 10). This does not necessarily imply an ideal degree of homogeneity amongst its members, which is not in fact the case in India, but it usefully outlines reasonable expectations.⁸ The issue of India’s diversity, and maintenance of some form of unity all the same, is addressed by Shani (Shani 2010), amongst other Indian scholars who he refers to. He argues, drawing on the experiences of Muslims—the largest of India’s minority groups—that for all the diversity, India’s enactment of secularism⁹ means that there are strategies available for all to feel a part of the nation, so that ‘[b]y negotiating and balancing distinct overlapping

⁸There are other scholars, such as Brubaker (1998), who also write about citizenship, emphasising the characteristic of membership of the nation, that is, arguing that citizenship is synonymous with a sense of nationhood (1998: 133–134).

⁹India’s unique enactment of secularism is discussed in more detail shortly.

conceptions for competing membership claims in the nation, diverse social groups could find a viable place in the nation, without entirely compromising their various group identities' (Shani 2010: 146).

The ability to practise various religions and ways of life is, in theory at least, protected. At the time the Constitution was formulated, protection for minorities was built in through a distinct take on secularism which should protect Anglo-Indians and other minorities.

SECULARISM IN INDIA

In India, unlike in other places where secularism is understood to mean there is a separation of the state from religion, it means that the state acts as a patron to all religions equally. The Congress party which safeguarded this ideal by enshrining it in the Constitution also aimed to enact it. As I discuss next, the current party in power, the Bharatiya Janata Party (BJP), is pro-Hindu and many have become quite cynical about their will to uphold any sense of secularism as it should be interpreted through the Constitution. The idea of 'India for Hindus' is rampant and corrosive for all minority communities, including Christian, and Anglo-Indians within that religious group. Bengali political scientist Partha Chatterjee says that the term was very deliberately taken up and written into the Constitution, and it remained so when he wrote: 'The continued use of the term secularism is, it seems to me, an expression of the desire of the modernizing elite to see the "original" meaning of the concept actualized in India. The resort to "new meanings" is, to invoke Skinner's point once more, a mark of the failure of this attempt' (Chatterjee 1995: 15). Chatterjee also notes that 'Important for our purpose is a discussion of how the nationalist project of putting an end to colonial rule and inaugurating an independent nation-state became implicated, from its very birth, in a contradictory movement with regard to the modernist mission of secularization' (1995: 15).

In theory, the inclusion in the Constitution should provide protection for Anglo-Indians and other minorities. In practice, however, Anglo-Indians, unlike others (including Indian Christians), have names that immediately indicate that they are not Hindu, which in the current political environment can potentially cause problems for them. Some I have spoken to feel this disadvantage manifests, for example, in the job market. I was told that as soon as a potential employer reads the European name of a job applicant they exclude them. This discrimination is not something they feel they can address by any legal means, for all the Constitution of

India advocates a version of secularism which ought to offer them such protection. Whether a place in the nation is made available to diverse citizenry is, however, dependent on the political situation.

BHARATIYA JANATA PARTY

In May 2014, after more than 60 years of almost exclusively, Congress-led central governments, the BJP (translated as The People's Party) was elected, in what has been described as a landslide victory.¹⁰ The party is led by Narendra Modi, former Chief Minister of Gujarat. This is a right-wing, sometimes described as Hindu-chauvinist, party known for its commitment to Hindutva (i.e., an ideology seeking to establish the hegemony of Hindus and the Hindu way of life),¹¹ with its policy historically reflecting Hindu nationalist positions. It promotes the idea of 'India for Hindus' and has implemented Hindu ideals in a number of states where BJP is also the ruling state party.¹² In the states of Maharashtra and Uttar Pradesh, for example, new legislation is closing slaughter houses as cow slaughter is forbidden, beef is forbidden to be offered in restaurants and they have launched a campaign of 'reconversion' of Christians and Muslims.

Anglo-Indians in Kolkata may be buffered from the immediate effects of the BJP national government through their non-BJP state governing party,¹³ but this changed political situation represents for many Anglo-Indians a moment of increased concern on a par with that of independence

¹⁰They were part of a coalition government in 1998 for a year, then again in coalition for a full term until 2004.

¹¹Something similar happens also in Western democracies where political parties with strong ideological positions seek to impose their views and ways of life and may even change the legislation accordingly. See, for example, Pardo (2018, this volume).

¹²In a campaign speech in Goa, delivered in January 2014 while I was in the State carrying out fieldwork, Modi undertook to make Goa 'an exception' in terms of freedom of religious practice if his party was elected. Perhaps he recognised that most Goans had not 'converted' in their lifetimes, so reconversion was not appropriate. The 25% Christian population statistic may also protect it from Hindu nationalist policies which are being imposed in other parts of the country in the wake of the Modi-led Bharatiya Janata Party (BJP) government. What is concerning is the potential plight of non-Hindus in other states of India in not being offered this 'exception' in protection of their religious freedom.

¹³After presenting an earlier draft of this chapter at the International Urban Symposium (IUS) workshop in Sicily in 2017, a participant noted that Kolkata's Anglo-Indians might be more sheltered from BJP policies than other Anglo-Indians. Their numbers, and more prominent positioning, in combination with the city's cosmopolitanism were all thought to play a part in this situation.

and then reemphasised in the 1960s. At those earlier times, Anglo-Indian migration from India was viewed as a rational and obtainable solution. Migration is now much more difficult due to potential host countries' tighter entry controls.

DEMONETARISATION LEADING TO FURTHER EROSIONS

There are other recent circumstances which also erode Anglo-Indians sense of being valued citizens of India. One that recently fuelled a sense of despair at 'not mattering' to the state was India's 'demonetisation' policy. While not aimed at Anglo-Indians, rather, all of India was demonetised, this added enormous stress to many Anglo-Indians.¹⁴

On 8 November 2016 the Government of India announced the demonetisation of all current (Indian Rupee) ₹500 (US\$7.80) and ₹1,000 (US\$16) banknotes, that is, they would be withdrawn with immediate effect. The official reason for this was to curtail the underground economy and use of counterfeit cash to fund illegal activity and terrorism. An additional reason I heard at the time included the government's desire to be a player in the global economy, along with the other modern nations of the world (as they did by 'officially' abolishing caste and dowry earlier too) to be seen as an equal in being a cashless society, or at least a less-cash society.

As documented in the media (including social) over the weeks immediately following demonetisation, the sudden nature of the announcement, and the severe and prolonged cash shortages in the weeks that followed, created significant disruption throughout the economy, threatening economic output and was the cause of widespread personal hardship. The move was heavily criticised as poorly planned and unfair and was met with protests, litigation and strikes. This situation has parallels with aspects addressed by Atalay (in her chapter in this volume) on the questioned legitimacy in the economic field in Turkey.¹⁵ People seeking to exchange their bank notes had to stand in lengthy queues, as described by Anglo-Indians I spoke with over that period, for example, this young man

¹⁴The Indian government had demonetised bank notes on two prior occasions—once in 1946 and then in 1978—and in both cases, the goal was to combat tax evasion by the use of 'black money' held outside the formal economic system.

¹⁵In her chapter (Atalay 2018), she looks at financialisation and its impact on people's everyday life also in the social, cultural and political fields.

who told me about his mother's experience. She is the family's only source of income:

It was so much of a problem to go to the bank and stand in the queue every single day. My Mum went for 11 days. For her money. For her salary. She had to wait 11 days. And we had to go on loans to all the men. We had to go to all the people asking for help for the time being.

People had six weeks to deposit their large denomination notes, or they would lose them as they became completely worthless. A bank account was required for this though, and many people in India do not have one for various reasons, for example, if they do not have a valid identity card they cannot open a bank account,¹⁶ and daily wage workers and others had not, until then, needed an account. This situation affected the poorest people the most.

There were also severe withdrawal restrictions. Some withdrawal exceptions were made, such as for wedding expenses and for farmers' crop-related costs. Social service organisations, such as the Anglo-Indian one I discuss shortly, were not provided with any withdrawal exemptions, so they were unable to meet their obligations to provide monthly benefits to their beneficiaries or hold their planned Christmas-related events in the ways they had expected. This led to increased financial hardship and suffering, particularly for the poorest of the community in a country where there is no state welfare or pension provisions to cater to them.

I spoke with Anglo-Indians who felt desperate and powerless over this time, not only in terms of obtaining daily nourishment but because they could not purchase essentials they relied on, such as medications. One frail elderly Anglo-Indian man, for example, told me of his fear that without medications his 'sugar' would rise to dangerously high levels and that he would not be able to survive that. He showed me his bank account booklet, which indicated that he had a small balance of savings, but he said that he could not manage standing in the long queues to withdraw any of that money. It was not possible for a proxy to withdraw money at that time when the banks were under so much pressure. The strategies employed by

¹⁶In the West Bengal city of Asansol, over 80% of those Anglo-Indians surveyed had a Voter Identity Card, compared with the finding of the Kolkata part of the survey which indicated that only 66% have them. See survey report for more details (Andrews 2015). I was told by Kolkata Anglo-Indians that there are obstacles to getting them, such as bribes required at certain points in the process, which put them off proceeding.

some of the more desperate of these people to try to get some money were to approach moneylenders, friends and organisations. I have never been asked for money as often as I was over this time.

Anglo-Indians felt that the timing of demonetisation was particularly cruel to them and to other Christians. It was after the Hindu festival of Diwali, and the Muslim observation of Eid, but before Christmas. They often added that it did disadvantage people of all communities who were having weddings (it was the wedding season) although the 'exception' to withdraw ₹2.5 Lakh (100,000) for a wedding helped. Even for Anglo-Indians who were better off, so less affected by the policy, some said they felt an extreme lack of confidence in the government. One middle-class Anglo-Indian said he was disgusted by what happened and that he was going abroad to wait it out, which he did.

Having outlined aspects of the socio-political context for Anglo-Indians, and sources of their social precarity, I turn now to the two examples for a close examination of potential strategies Anglo-Indians employ, or have at their disposal to employ.

EXAMPLE 1: THE CURRENT PRESIDENT-IN-CHIEF OF THE AIAIA

Barry O'Brien is a name known in Anglo-Indian circles throughout the country. I spent time working with him on a survey project in 2010 to 2011 and at the conclusion of the project I interviewed him. I include his story to demonstrate that although his life may be uniquely privileged, it illustrates the potential of Anglo-Indians to thrive in modern India.

When I formally interviewed Barry in 2011, he had recently completed a five-year term as Member of Legislative Assembly (MLA) representing West Bengal's Anglo-Indians. In addition, his father, Neil O'Brien, had been the President-in-Chief of the AIAIA since 1993, and Barry's older brother, Derek, has been appointed an MP for Mamata Banerjee's Trinamool Congress party. The party achieved a landslide victory in 2011, bringing to an end the 34-year governance of the Communist Party of India (Marxist) (CPI(M)).

I was interested in hearing Barry's story for two reasons—one was his family's prominence, the other was that he struck me as being unusual for an Anglo-Indian being completely comfortable in a Bengali world. When I made this observation to him earlier, he explained that it was the result

of his family history and the environment he was brought up in, so this is where I asked him to begin his account. The following is mostly in his words:

Ours was one of the first few buildings in the Ballygunge area. It was really the wilderness there then. Apparently, you could hear the jackals. And gradually [the area] sort of mushroomed and grew into a very traditional middle-class Bengali locality, a safe secure typical Bengali locality. This is where my father grew up. After some time my father got married to an Anglo-Indian lady.

Barry then describes the more 'typical' Anglo-Indian background of his mother before she moved into the Bengali area where Barry was also raised:

She was an absolutely railway colony Anglo-Indian. She's from all over because they moved around. My grandfather [had] picked up many languages, including Bengali. When he was posted at Garden Reach he picked up Bengali, then Telegu when he was posted in Andhra Pradesh. So, she had a varied experience as she was growing up. I mean varied as in sometimes they were living just outside a jungle, sometimes they were in a big, or a smallish town. Anyway, it was a very different upbringing from my father. (...) When they got married they lived with my great-grandmother and that's where we were born. And we were the only non-Bengali family.

I asked him to describe his early years in more detail, as they were markedly different from the experience of most Anglo-Indian youth of that time, who grew up in neighbourhoods with other Anglo-Indians to mix with. Those Anglo-Indians were also more likely to be excluded (or to exclude themselves) from other community interaction:

There are three of us. All born one after the other, 1961, 1962, 1963 and we were the only non-Bengali family. Forget about anything else – there were only Bengalis. After a while a few others came in, but we were certainly the only Christian family, and the only Anglo-Indian family. We literally grew up playing cricket on the streets, playing football on the streets, participating in everything that the local boys did. And we never held back, and neither did our parents hold us back. They allowed us to participate in everything. I mean it was a social participation. So we were back from school by four o'clock and immediately we were out on the road playing because we didn't have a park. So we would play all these games with these boys. We interacted with them for a couple of hours every day and therefore learnt to speak good Bengali.

Barry talked about the employees of his household who were from other communities and noted that his interaction with them assisted his vernacular language acquisition. Many Anglo-Indians had this experience of domestic help from other communities too, but perhaps not at the level he experienced:

In India we have the great blessing of many people who need to be employed in homes, so we always had two or three domestic help and they were Bengalis so we were spending even more time interacting in Bengali. And that's the best way to learn a language. I think a language breaks down many barriers and puts people at ease. So I think more and more Anglo-Indians should know a language, besides English, really well.

He offers advice to others: to gain local language proficiency in order to get ahead, as well as holding strong to personal cultural practices, and to learn about and interact with other communities in their festival times:

I've noticed that Anglo-Indians in India who have known the regional language or Hindi fluently, whichever's the most widely spoken language in that State, they've gone much further in many ways than the Anglo-Indian who hasn't. It's a bit of a generalisation but I have seen that happen. And also, whenever we had a function, Christmas Day or whatever, my mother would go round with cakes and whatever else to every single home in the area. And our neighbours would actually see priests coming for a family prayer, and they would see the huge Christmas celebrations. We're the only ones here, so would we underplay it? No way, no way. We used to put up our little nativity scene for the Christmas season and they all came to see it. There are lights on our family home for three or four weeks. She was trying to match their [Hindu festival] Puja lights. When they're on there's a lot of lights over here.

When they used to organise Kali Pujas, which is really like a community event, we would be involved. We'd sit down with them, near the pandal, the structure near their statue. Obviously, as very staunch Christians and Catholics, for us it was just a social thing. But just the fact that we were with them, it just made us one of them and, you know, we were always treated well. In fact, for many years I was in charge of organising things for it. After the Puja, the statues, the images of goddesses, would be immersed in the river. It takes a lot of organising to do that: you've got to organise the transport, the permissions etc., and for many years I was in charge of it. And I remember once actually, you know getting everything organised and then saying, 'Okay, bye, see you guys. I'm going to Mass now'.

He was quite aware of his family's situation of functioning in both an Anglo-Indian and a Bengali social world, both at a high socio-economic level, as is evident here:

I think what was special about our family is we were able to live right in the midst of everything non-Anglo-Indian and enjoy it, be part of it, not in a superficial way, and yet really, really be Anglo-Indian.

He described the schools he attended, all elite Anglo-Indian-board English medium institutions which are sought after by all communities in Kolkata and then Jadavpur University in which he obtained a bachelor's degree. He talked about his employment which saw him working mostly with non-Anglo-Indians again:

The group I worked for [as a journalist] was Bengali. It was like the equivalent, in a Bengali sense, of working for Time Magazine or the Sunday Times in England, because they have the largest Bengali circulation here. And once again except for us blokes ... within the office, amongst our friends we all spoke in English, but we'd speak in Bengali with the other departments, the computer department or the art department.

Then I joined South Point School as a teacher. It's not an ICSE¹⁷ school so they didn't need more degrees than I had. I became the Assistant Principal of the school at a very young age. South Point at that time was the largest school in the world with 14,500 students. Guess what? No Anglo-Indians. Guess what? No Christians. 14,500 with a teaching staff of 450. So once again I was the only one, and I was in charge of discipline, and extra-curricular activities, so I was interacting a lot with parents. And therefore to make myself understood and to drive the point home I would speak to them in Bengali.

He reflected on the combination of elite influences in his early years in Kolkata:

I think this whole mix has really been my education, you know, having the good fortune of having this huge mix, this background of St Columbus, St Xavier's, La Martiniere, Jadavpur University, growing up in Ballygunge, going to the DI [Dalhousie Institute Club], then these schools that I taught at were all very conservative Bengali schools.

¹⁷ ICSE is the abbreviation for Indian Certificate of Secondary Education.

So, you know, I've reached a stage, I hope nobody misunderstands, but when I speak in Bengali, I think in Bengali. To be good in a language I think that's the ultimate. I mean when I speak Hindi I don't think in Hindi. I translate. Fortunately for me my Hindi is pretty good also but it's not as good as my Bengali, and all this has stood me in good stead. Now as the MLA obviously I speak in English when I speak in the Assembly, but that doesn't stop me from occasionally giving an anecdote or a punch line, or something which I can't translate, giving it in Bengali. And they all sort of like that.

So we're obviously a combination of the two sides, but most Anglo-Indians don't know the other side. Anglo-Indians should be very proud of their Indian heritage.

Finally, I asked about his life now, married to his Anglo-Indian wife:

I think because we share a commonality of looking in the same direction, wanting the same things out of life, you know, our faith, our religion, our community, our eating habits, the clothes that we wear ... I think all this made it much easier. So hats off to the people who marry outside their community and their religion because I think it's much more difficult, so all credit to them.

While an MLA, Barry belonged to the CPI(M) party which was the state government of the time. After the Trinamool Congress party came into power, he was not nominated for the position of MLA. Some months after the BJP party was elected as the national government, he joined that party. He explained to a workshop I attended that it was a very considered action which enabled him to serve the community most effectively by being closely aligned with the governing power.

The last time I spoke to Barry was in January 2017, after his father had passed away, and after he had been appointed to his position, that of President-in-Chief of the AIAIA. This was by vote (mostly proxy) not inheritance. The last three presidents-in-chief have been in office until they died. He says his will be a three-year term.

As indicated in the interview excerpts, he attributes his successes to early assimilation into a Bengali neighbourhood, which contributed to a sense of belonging to the nation through language and cultural ability and literacy/literacies. He also displays a strong sense of who he is as an Anglo-Indian, coupled with a secure personal identity through his family's and his own achievements. Joining BJP gives him capacity for political action which he may not otherwise have had access to. While his may not be a common

scenario, aspects of it are not unachievable for Anglo-Indians who might take note from his example in learning the local language well, understanding the cultural practices of their neighbours, achieving a sound education and taking employment opportunities.

I turn next to the second example, that of an organisation I have spent a lot of time with in Kolkata, after first meeting their Convenor, the late Philomena Eaton, in 2001.

EXAMPLE 2: THE CALCUTTA ANGLO-INDIAN SERVICE SOCIETY (CAISS)

CAISS epitomises the style of charity that Anglo-Indians can find in the city. It is the organisation that I have had the most interaction with over the years and it is exceedingly effective in the care it provides and the social networks it contributes to, both in and out of India.

CAISS was established in 1976 and has a reputation of humanity and integrity—so much so that a number of overseas organisations have chosen to work exclusively through CAISS to distribute their donations to Anglo-Indians. Calcutta Tiljala Relief (CTR), the US-based charity founded by Anglo-Indians Blair and the late Ellen Williams, for example, sent 2.4 lakh (2,400,000) rupees to India in 2012, with the allocation for Calcutta's elderly Anglo-Indians being distributed through CAISS. Aspects of the way the organisation functions is reminiscent of Prato's discussion of voluntary healthcare organisations in Albania (2011: 106). She writes about the need for organisations to be trustworthy in order for donors to assist them financially to provide services.

One of CAISS' later developments, the night shelter established over a decade ago, has become a central focus of the organisation, with this space used to bring various people together along with providing housing for impoverished elderly Anglo-Indians who might otherwise sleep on the street. Others who use the space include office bearers for their frequent meetings, applicants for educational assistance who are interviewed in the downstairs offices, the youth group that meets regularly and Anglo-Indians taking advantage of its vocational courses—for example, in computer training and sewing machine use. The venue is used for entertaining overseas visitors (mostly Anglo-Indians) with a meal and the opportunity to talk with those who are currently using the shelter. Visiting benefactors are often invited to help with the key activity of CAISS—its monthly ration and pension distribution sessions.

During the six weeks leading up to Christmas and New Year, so from about the time of demonetisation in 2016, there are numerous events held by this social service society alone: during November they hold their 'jumble' (as they refer to the distribution of second-hand clothing and household soft furnishings) and organise the forthcoming events which include a carnival and fund-raising food festival very early in December, a fund-raising stall at a diocesan fair held at St Paul's Cathedral grounds, their 'Christmas tree'—an all-day Christmas party for about 900 of their Anglo-Indian beneficiaries, the late December dance for CAISS members (as opposed to the beneficiaries)—a lunchtime party for Anglo-Indian seniors between Christmas and New Year and a full day picnic early in the New Year for members. Over the Christmas season, these events alone involve the interaction of many hundreds of Calcutta's Anglo-Indians in one way or another, either as recipients or as providers and/or distributors of goods and services. In addition to the seasonal events, monthly ration and pension distribution mornings for older beneficiaries are held, and evening sessions for educational assistance, vocational training and medical assistance continue, along with running the night shelter.

Although demonetisation affected CAISS' ability to host some pre-Christmas 2016 events as planned, and they were unable to withdraw the cash they needed to distribute monthly pensions in cash on two occasions, they still did all they could for beneficiaries. They very quickly moved to an electronic system of pension payment wherever possible, helping those who did not have accounts to open one—suitable documentation facilitated that, otherwise they found other means to enable receipt of payments.

Each of the events CAISS runs takes an enormous amount of organising by small groups of people, many of whom are also in paid employment and have family commitments. I wondered what motivates so much philanthropic activity within a relatively small community. An answer that many would give is that they are simply performing their Christian duty in caring for their poor.

When CAISS was established, they drew up a constitution stating that the prime objects for which the society is established are:

1. To endeavour to satisfy the educational, social, cultural and material needs of the Anglo-Indian community
2. To prepare the youth of the community to take an active and constructive role in the affairs of the community and the country

3. To cultivate the highest ideals in business and professional occupations through community service activities
4. To develop the fellowship of Anglo-Indians through the medium of the Society's activities
5. To foster a sense of community consciousness and national pride
6. To extend the services of the Society (Constitution and Articles of Association of the Calcutta Anglo-Indian Service Society 2013: 3).

From this it is clear that their aims are more than community-centric; they also propose to prepare community members to be part of the nation. Through a well-administered organisational 'cuddle' to use Hage's term (2003), CAISS prepares the youth to be part of the nation, through offering them a sense of security while at the same time taking care of those who are unable to extend their sense of self to a sense of being a part of the nation.

The institutional and personalised strategies CAISS employs ameliorate many Anglo-Indians' feeling of being alienated by the nation, with their focus on engendering belonging to community. CAISS provides its members and beneficiaries with a sense of belonging to something they identify with culturally and of which they feel they are a legitimate member.

CONCLUSIONS

What does legitimacy mean for those in my research? It's tied to citizenship and the feeling of being a valued and authentic member of the nation, with the freedom to live according to their cultural values. It has been, and still is however, an uneasy and precarious road for many Anglo-Indians towards taking their place in the nation as Indian citizens. As a consequence, it does not take much to erode a sense of being legitimate citizens. Demonetisation is just one example of the impact of a policy introduction which has a negative and unsettling impact. Of more significance is the Hindu nationalist agenda and associated policies which are felt as potential encroachments on community beliefs and ways of life. If this continues and India becomes more and more a Hindu nation, that change must erode, for non-Hindus such as Anglo-Indians, any sense of being a legitimate, valued and authentic part of the nation.

The very definition of an Anglo-Indian marks their mixed descent, which is anathema to the Hindu ideology of purity. While this should not

pose a threat to Anglo-Indians, given the Constitution definition of citizens of India along with the protection of secularism, the protections are currently being eroded with the effect that one group's ideology and ways of life is being legitimised while others are delegitimised. Erosions to their sense of being part of the nation caused by the BJP government's nationalist agenda can result in minority communities such as the Anglo-Indians feeling the precariousness of their social existence and way of life, for all the protections of secularism.

As Hindus feel emboldened, and their actions endorsed, other minority groups are losing their sense of legitimacy. What this indicates is that in certain situations legitimacy has a zero-sum game quality, in that one group achieves greater legitimacy, as other groups' legitimacy is eroded.

The fine-grained ethnographic study of the group focussed on in this chapter draws attention to both the precarity of their foothold in India, as well as to some possible strategies to enhance that. The two Kolkata-based examples demonstrate that there are ways in which Anglo-Indians can maintain or even augment their sense of belonging to, or in, India. As the first example showed, the adoption of a degree of assimilation, or majority cultural proficiency, is one alternative that may increasingly be taken up by well-educated Anglo-Indians. They can also (arguably simultaneously) embrace their Anglo-Indian-ness and align themselves with an organisation such as CAISS which provides the opportunity to fully engage in their own community.

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Conflicting Loyalties and Legitimate Illegality in Urban South Lebanon

Marcello Mollica

INTRODUCTION

The history of modern Lebanon from the 1943 National Pact agreement between Sunnis (Muslim), Maronites (Christian) and Shi'as (Muslim) has been marked by a persistent tension between and within the 18 recognized religious sects, to which a share of power must be customarily given, and the supra-national state structures. The tension has proved to be extremely virulent by reference to the election of key political figures, who must be allocated according to their religious affiliations (via a consociation model) and not by normal democratic election rules. Indeed, sectarian groups' political choices must take into consideration their trans-national (reli-

I wish to acknowledge the support of the Italian Ministry of Education, University and Research under the 'Rita Levi Montalcini Programme' for the 2014 research field trip in South Lebanon. I am also grateful to the anonymous reviewers for their critical comments.

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_12

gious) loyalties, which are often stronger than their national loyalties; for example, the Sunni economic élite are loyal to Saudi Arabia, while the Shi'a élite (Hezbollah) are loyal to Iran. In the last years, this tension has increased because of the way in which foreign money has been allocated internally and the way in which such allocation has been legitimized in damaged post-war settings. Meanwhile, from 2012, huge religious war-driven migration waves from neighbouring Syria added to the already fragile demographic Lebanese scenario because of the relocation into ethno-religious homogeneous areas of Syrian refugees. This event pushed both formal and informal entities to tighten security to try to prevent Syrian War-driven violence to enter Lebanon.

Based on a personal episode while doing fieldwork in the summer of 2014 within Christian communities in the urban South Lebanese setting of Tyre, this chapter looks at the way in which the perceived absence of the state allowed formally illegal customary actions to be regarded as legitimate and even believed to carry the same weight as formally legal actions.

In what follows, through the use of conspicuous narrative accounts and a degree of 'self-reflections', I show how these illegal practices are lent legitimacy under specific temporal, spatial and cultural determinants, and how a local religious community reacts to these processes of legitimation. The personal episode mirrors the often-overlooked conflicting loyalties and the subsequent legitimate illegality of multi-religious societies. Nevertheless, it also shows how illegally legitimate forces and activities may also overlap legally legitimate forces and activities, above all when the 'legitimate' authorities are perceived as not capable of guaranteeing security through 'legal' means.

THE SETTING

Tyre sea-side promenade has always had an incredible charm. On the one hand, members of at least two different religions (Islam and Christianity) meet in the summer upon its beaches, disclosing different clothing and behaviour codes, and it is here that the old Christian quarter of the city extends to reach the seashore. Here there are the surviving remains of a historic Phoenician fishing harbour, part of a city besieged and razed by Alexander the Great in the third century BC (Welles 1997) and where there are still mixed Christian fishermen. The harbour looks like an exit for the Christian quarter, which is today a religious enclave completely sur-

rounded by the surrounding Shi'a areas. The harbour embodies a sort of sense of freedom and escape for the few thousand Christians left in a city of some 120,000 people, who are mostly Shi'a Muslims.

Nevertheless, the most visible clash is not between people belonging to different religious groups but between buildings and architectural styles. Such a clash cuts across socio-religious lines, intersecting a modern history of devastating and inconsistent urbanization. The most famous and historically somehow still well-kept part of the town, that is, the Christian quarter, is dominated by the bell towers of three Christian Cathedrals (a Maronite, a Greek Catholic and a Greek Orthodox). Bordering the Greek Catholic Cathedral, there starts what were once old mixed quarters (formed by Shi'a and Christians belonging to various denominations), and beyond them lies the contemporary, modern, Shi'a city. Further south, descending the Mediterranean shore towards Galilee, as the crow flies just a mile from the Christian quarter, is the newly built headquarter of the Islamic University of Lebanon in Tyre. The small university building is on the seaside just beyond the archaeological area of what was once the Roman colony of Tyre, containing the world's largest Roman Hippodrome, now designated a UNESCO World Heritage site. The archaeological site is surrounded by fences meant to protect the area all around the mainland and down to the seashore. On the northern side, the archaeological area borders a historic graveyard, that is both Muslim (south-eastern part) and Christian (north-western part), the latter being part and parcel of a research topic of mine in the past (Mollica 2006). Beyond the university building, at the beginning of the Nabih Berry Boulevard, which is the name the promenade takes south of the archaeological site, the new town seafront starts, with its restaurants and bars.

I have been conducting research in the Christian area of Tyre since 2005. I have always taken up residence in the Christian area. However, several times I have been walking towards the southern Promenade, heading thus south towards the new town, where I have in the past conducted interviews as well as eaten in its restaurants. In the summer of 2014, I was staying in a sea-side hotel, very close to one of the three Christian Cathedrals, on the border with the Shi'a area, which was a recently renovated structure. My staying in that hotel at that early stage of my strict research timetable was motivated by reasons dictated by the ongoing Syrian War and a number of conflict-related restrictions imposed on movements in Lebanon by formal, that is, the Lebanese State authorities and the United Nations Interim Forces in Lebanon (UNIFIL), and informal,

that is, Hezbollah, organizations. The latter is a Shi'a paramilitary group and political party founded in 1985 whose current leader is its Secretary-General, Sheikh Hassan Nasrallah (Harik 2004; Norton 2007; Cambanis 2011; Louër 2012; Daftary 2013; Abisaab and Abisaab 2014). Because of the controls at the check points, it was not easy to go south of Tyre, beyond the so-called Blue Line, that is, the border demarcation between the two countries as established on June 7, 2000, by the United Nations to determine whether Israel had withdrawn from South Lebanon. My original intention was indeed to conduct my research in a Christian village in the South of Lebanon, on the Israeli border, which had already been a *locus* of research in previous fieldworks of mine (Mollica 2006, 2008, 2011, 2014a, b, 2016). However, I needed permission from the Lebanese Government authorities to be taken from their offices in the city of Sidon which was at more than an hour's drive from Tyre. However even those Government permissions would have not excluded additional controls by both local formal and informal authorities.

DARK GLASSES AND WEEK-LONG BEARDS ON THE BOULEVARD

A few days after my arrival in Tyre, still waiting for a friend who had promised to give me a lift to go Sidon (a lift that eventually he never gave me, which meant I had to go to Sidon on my own by taxi) to get permission to go to the South of Lebanon, I decided to take a walk and look closely at Tyre's new Islamic University of Lebanon's building.

I took some photos of the new building and then kept walking on the promenade looking for some ice cream parlour. It was very hot. That morning I had eaten a late breakfast. And I had to schedule in a meeting with an informant in the late evening, after dinner, which according to local custom would mean after 11 pm.

It was around 1 pm. I was slowly approaching the restaurant area. The promenade was not crowded and not many people were sunbathing. It was there that suddenly I came across a new restaurant (the name of which I cannot disclose, so I shall call it), Restaurant XXX. I was immediately attracted by both the name and the colourful sign that floated on the main door. With absolute naturalness I crossed the two-lane road as I was on the promenade seaside. It was fully in the Shi'a area. Keeping the same naturalness, I went back to the other side of the road and kept taking pictures of the restaurant and the sign. I took two dozen photos from several

angles crossing the road a few times. The building was on several floors high but the whole ground floor was allocated to the restaurant which was surrounded by a large stained-glass window all along the ground floor.

A few minutes later, while I was checking my photos in the display of my camera, still standing in front of the restaurant, a car stopped a few centimetres from me. It was a black car with blurred glass windows. From the driver's side of the car, a crew cut man came out. He was dressed in moccasins, dark trousers, white shirt, dark glasses and a week-long beard. He talked to me in Arabic.

He wanted to take a picture of me. I answered in my mother tongue, that is, in Italian, and intentionally not in French or English. I said that I did not understand why he wanted to take a photo of me.

He had parked his car in double row and was obstructing the traffic in two lanes of the road. But there were no protests, no horn sounds from the cars. The locals, based on my personal experience, are usually extremely curious but were walking along the waterfront promenade without even looking at what was happening to me in such a blatant and manifest way. Meanwhile, I do not know why I kept insisting on wanting to know why he had to take a picture of me. Nevertheless, it did not last long. Suddenly, a second man came out of the car, dressed exactly as the first one. I did not talk anymore and then the first man took a photo of me. Shifting his language to English he simply said that since I had taken many photos they too had the right to take at least a photo of me. And they eventually did.

Even if I could somehow disguise my anxiety while doing my best to show a degree of calm appropriate for a person who had simply taken some photos of a restaurant sign, it was the fact that people around me did not protest, not even the drivers, which made me anxious. Tyre is a city known for its traffic jams and for protests and loud noises for any small slowdown. However, people walking beside me looked like they knew what was going on and made me realize that I was dealing with a recognized, although not formal, entity. That entity could afford to block the traffic with double-row parking without causing any single protest. Everyone knew and had seen in action (or had at least heard of) those men in the urban context I now found myself in (except, obviously, myself).

Clearly people on the promenade, both those walking and those on the cars, did not regard as illegitimate the illegal double-row parking. Indeed the disruption caused to the traffic by the double-row parking was justified in the eyes of the witnesses as necessary despite that it was acted through illegal means.

These men, who disclosed absolute control and inherent legitimacy in their actions, were carrying out what to me looked like a security operation. In that security operation the perceived element of potential danger, acting in a way which was jeopardizing the communal security and the solidarity of the local community, was something I had obviously done a few minutes before being approached by the two men in dark trousers and white shirts. The two men did not look like state security forces' members but acted as if they were, replacing (or at best cooperating with) state security forces in a security operation against (what they had identified as) a potential threat, that is, my behaviour.

What I had done was to take photos of a restaurant sign, even if witnesses might have thought that I was taking photos of the restaurant or even more of the building itself. A witness of the event might have even thought that I was taking a photo of one of the windows of the upper floors and not of the restaurant. At least this was the reading I gave right away when I did not get an answer when I asked the two men who had stopped me and were now climbing into their black car, shifting the language first to English and then to French, who they were.

Indeed, that black car had come just a few minutes after I started taking photos, so either the two men saw me at a distance when I was taking the photos or while repeatedly crossing the road, or they were promptly alerted by people who saw me taking photos and thought I was a potential danger. If the earlier was the case, obviously there was something in the building (or nearby it) or maybe someone I could have compromised with an improper use of the photos I had taken. Nevertheless, the photos were still with me, in my camera. The two men had not touched me nor any of my belongings.

OVERLAPPING THE LEGALLY LEGITIMATE AUTHORITY

I have been told several times that the issue of photo taking is a permanent problem for paramilitaries' anti-intelligence units. Indeed, this is a common problem for many paramilitary organizations whose members may be the target of 'enemy' operations. Photos might be used to prove the very existence of paramilitary leaders whose existence 'enemies' doubt, so photos could prove that they are alive. In a reality such as the South Lebanese one, for example, the problem of photo taking was well present even before Hezbollah's involvement in the ongoing Syrian War, from the summer of 2012. Hezbollah was considered a terrorist organization by

several states and, although to different degrees, international organizations (including the European Union). Nevertheless, its members have been considered, above all, a primary Israeli target even before the last war between the Israeli Defence Forces and Hezbollah in the summer of 2006 (Mollica 2006).

Pardo (2000) argues that, let alone issues of ‘obedience’ and ‘compliance’, the use of power cannot be justified only by normative relationships of mere domination. In Lebanon, the use of power by Hezbollah was already causing serious problems to the two other entities managing power in Lebanon, namely the Lebanese Armed Forces acting as legal force in Lebanon and UNIFIL acting as a peacekeeping force in the South of the country. Indeed as a political party, Hezbollah is a legal organization, enjoying (at the time of writing) 12 MPs and two Cabinet members. Concurrently, it is also a paramilitary group and as such an illegal organization as according to United Nations Security Council Resolution 1559, (September 2, 2004) it must disband. The above explains why, for the last few decades, Hezbollah relationships with both the Lebanese Armed Forces and the Lebanese Security Forces and UNIFIL were of substantial coexistence and not of conflict. In addition, contemporary Lebanese events cannot be disconnected from a long-lasting, well-established history of sectarian violence and tensions (Makdisi 2000; Mollica and Dingley 2015; Mollica 2016). Thus frictions are traditionally avoided precisely to prevent worsening fragile compromises already put under pressure by exogenous variables, starting with the Israeli Defence Forces at the Southern border and half a million of Palestinian refugees living in 12 refugee camps in Lebanon.

Not long after the beginning of the ongoing Syrian War in March 2011, Hezbollah was heavily involved, alongside the Syrian Arab Army of President Bashar Assad, in both Syria and some areas of the Lebanese Beqaa. The involvement was justified by Hezbollah leadership as being logical since Hezbollah is essentially an anti-Salafi-Jihadist organization and actually considered by those Salafi-Jihadist organizations as a primary target, since those organizations are essentially anti-Shi’a (Fawaz 2016) and, in Hezbollah political rhetoric, even supported by their old and first enemy, Israel. For its part, the Lebanese Armed Forces have fought alongside Hezbollah paramilitary units in many locations in the Lebanese Beqaa and elsewhere on the border with Syria. This tacit cooperation went on at least up to the end of summer 2017, when Islamic State and Tahrir al-Sham (former al-Qaeda-affiliated Jabhat al-Nusra) terrorists left Lebanon

with their families towards the north-western Syrian city of Idlib or the eastern Syrian city of Deir ez-Zor. The Lebanese Armed Forces were indeed fighting Salafi-Jihadist organizations together with Hezbollah as those organizations were represented as a common threat to Lebanon.

However, the Lebanese Armed Forces, despite the ‘understanding’ of Hezbollah as a ‘resistance’ force against Israel is acknowledged well beyond the Shi’a (religious) community of reference, had never supported Hezbollah in its wars or periodic skirmishes against the Israeli Defence Forces at the Southern border. Indeed, the Lebanese Government has always manifestly dissociated itself from Hezbollah’s operations, a circumstance that has created serious problems in the Lebanese Government itself because of its consociational power-sharing system (Kodmani-Darwish 1987; Lijphart 1999; Kerr 2005) that includes all 18 religious Lebanese groups, even (Shi’a) Hezbollah members. The consociational model allocated all key political positions according to religious affiliations (a Maronite president of the republic, a Sunni prime minister and a Shi’a speaker of the parliament) while also distributing according to religious belongings parliamentary seats equally between Christians and Muslims. This also brings complexities because of the way election procedures operate, which paradoxically allocate seats according to the ethno-religious belonging and the demographic ethno-religious composition of the population in the country; hence, sectarian lines are reproduced in the electoral processes. This means that from the national electoral body down to municipal-level representatives, members are elected in order to defend precise ethno-religious interests and the electorate acts according to ethno-religious lines (Mollica and Dingley 2015).

This helps to understand the huge degree of identification of the religious group (i.e., drivers who witnessed the security check that involved me in front of Restaurant XXX) with the ‘illegal’ organization (the two men in dark glasses and one-week beards who carried out the security check on me in front of Restaurant XXX). The organization (the two men) were thus perceived as being part and parcel of the wider community (the witnesses) that the issue of ‘punishing’ (let alone protesting against) those with whom the (here religious) community empathizes never came to the fore. Indeed, it would be the other way around would the ‘legitimate’ (here, the multi-religious Lebanese state) authority interfere in an activity represented as necessary by the ‘illegal’ (here, a Shi’a paramilitary group) organization for security reasons. The ‘legal’ organization might actually be accused by the religious community represented

by the ‘illegal’ organization of interfering in a legitimate activity, legitimate well beyond the legitimacy the official authority would give to the ‘illegal’ organization carrying out the activity.

Nevertheless, I would add that beside the social dynamics what should also be included here is the topographic composition of the population. These are by definition isolated from nearby areas and by implication reacting to that socio-religious isolation through means that the (self-) segregated environment ‘forced’ the community to develop. That is, they empower an (religiously defined) autochthonous force in place of (a secularly defined) rule of law. Recent events thus made the religiously defined socio-community rely upon an implicit consensus based on a communal religious solidarity. This became stronger than any state belonging while intra-state links were severely compromised or disrupted thus allowing trans-national links to develop (Hage Ali 2018), stronger than internal ones.

What was happening on the seafont of the Tyre Shi’a area, in front of Restaurant XXX, was about this. An illegal entity was controlling or at best substantially co-controlling (or letting the legitimate Lebanese State authority believe that this was indeed the case) the territory. The legally ‘legitimate’ authority would indeed keep away from actions like the one that involved me in front of Restaurant XXX knowing that not just their interests might be the same as the ‘illegal’ organization but also to avoid any challenge to that ‘illegal’ authority in an area where the Lebanese State authorities knew they could not compete with the illegal organization, precisely because this was regarded as legitimate in that (religiously defined) community. The illegal legitimate organization was performing an action outside of the rule of law in a very blatant way in the South Lebanese town of Tyre, using almost the same means and methods as the official Lebanese State Forces.

THE UNUSUAL TAXI-DRIVERS’ BEHAVIOUR

Not confused but restless, and yet fully aware that I did not have to make my anxiety visible, I continued to walk as if that encounter with the two men had not caused either me or my plans any serious disruption. Thus, I continued to walk southwards, away even further from my hotel located in the Christian quarter of Tyre.

I was thus pretending that everything was going as scheduled when I left the Restaurant XXX area. Nevertheless, I did not take any additional photos

and I did not buy any ice cream. After about 20 minutes, I turned and took the way back to the hotel. I passed again in front of Restaurant XXX, then I walked across to the building of the Islamic University of Lebanon and finally reached the archaeological area of the old city of Tyre where there were no buildings.

It was more than obvious that there were cars following my moves. So once close to the ruins, I took my camera and started taking photos through the fences of the archaeological site, acting like a tourist.

The road that runs along the ruins and finally leads to the Christian quarter was empty. It was still sunny and very hot. The Muslim part of the graveyard was the nearest I would have reached walking on the road bordering the archaeological site and would be visible only at the last road curve. That part of the graveyard was indeed colourful, full of yellow flags of Hezbollah martyrs and green flags of Amal (the second largest Shi'a political party of Lebanon, without a paramilitary wing) martyrs and it stood in sharp contrast with the much more sober Christian graveyard (Mollica 2006) which has no flags or political symbols. After the Christian graveyard there came the small buildings of the Franciscan complex, which also included a Chapel, and then came the first houses of the old Christian quarter.

The road that runs along the archaeological site is about a mile long and there are no houses on the way up to the graveyard. It was however at that point that a few cars (what would also act as local taxis) stopped by asking whether I wanted a lift. This was something that had never happened to me in all the previous years of research in that area. Some of them even insisted that I had to accept the lift, and that was something I had never experienced in Lebanon as a whole. That degree of insistence also collided with the atmosphere of that area and with the provisions of Hezbollah itself which has always wanted to give the image of a safe area for tourists. Indeed, being a tourist-archaeological area and having said several times that I wanted to walk on foot and that my hotel was close stood in contrast with those would-be taxi-drivers' behaviour. Other suspicious cars came back and forth looking at me until I reached the hotel. Some of those cars stayed in the hotel area until the evening or better I suppose until they could acquire accurate information about me. They surely did acquire the information they needed through ways and people who knew who I was. Nevertheless, what had happened to me in front of Restaurant XXX and the trajectories that event had in my data collection were never brought into discussion neither by me nor by the people who

I suspect provided data about me. I never spoke to them about the event during that field trip and neither in field trips that, in the years to come, followed that event.

LEGITIMIZING THE ILLEGAL ENCOUNTER IN FRONT OF RESTAURANT XXX

That evening I dined at the hotel restaurant in the Christian quarter of Tyre as I often did in those days because I was meeting or interviewing people in the garden of the restaurant-bar after dinner. The restaurant was in the open and at the end of my dinner, before the interview I had scheduled for later that evening, I shared a water pipe with an old friend and informant of mine whom I knew from the 2006 War and someone I could trust and rely on.

I told him what had happened to me on the promenade in front of Restaurant XXX. My friend told me that what happened to me was quite normal because security and intelligence authorities take photos of newcomers or potentially suspect people, especially if they are foreigners or behave unconventionally. He added that this is the result of tightening restrictions imposed by the ongoing war in Syria and it had exponentially grown with the increasing involvement of Hezbollah paramilitary members in the Syrian War. It was indeed precisely because Shi'a South Lebanon was controlled by Hezbollah that security-related issues became a widespread priority for both the Lebanese Government and Hezbollah. On the one hand, the almost religiously (Shi'a) homogeneous South Lebanon has, paradoxically, made it an easy target for Salafi-Jihadist (Sunni) groups who could strike anywhere precisely because of that implicit (Shi'a) homogeneity. On the other hand, the leaders of the vast majority of the Christian minority living in South Lebanon would represent themselves as supportive of Hezbollah. Thus, by extension, every place in the area had become a potential target for their Salafi-Jihadist opponents coming from both within and without Lebanon. Tyre, being implicitly Shi'a, could be infiltrated by terrorists who could easily hit and run anywhere and everywhere.

In addition, Lebanon was torn apart by an incredible migrant influx coming from Syria. (According to the United Nations High Commission for Refugees [UNHCR], Syrian refugees registered in Lebanon in November 2017 were almost one million.) Such a fluid immigration context forced what was an already inherently unstable Lebanese Government to

intensify responses to the different threats coming from ethno-religious different migration waves which were actually destabilizing an already fragile power-sharing system. Echoing Gupta (1995), governance-based problems intensified while entering new 'levels' as well as 'layers' of both formal and informal power structures. Trans-national loyalties and migration waves of refugees clustering in (ethno-religious) homogeneous areas have thus complicated the situation in Lebanon, already suffering because of the uncertain status of the Palestinian refugees. Thus, Lebanon became an even more complex issue as sections of the same Lebanese population felt closer to co-ethno-religious population dwelling outside Lebanon than to co-citizens living in Lebanon. The rapid radicalization upon religious lines of the Syrian conflict (Fawaz 2016) brought an increase in distrust towards co-nationals belonging to other ethno-religious groups, translating the religious conflict even in Lebanon, above all between Sunni and Alawi communities in the urban context of Tripoli (the second largest city of Lebanon) and in rural areas in the North of the country.

In academic terms, however, what was really relevant was what another informant of mine, also from Tyre, told me about the dynamics of the episode which involved me in front of Restaurant XXX. He said that something in the 'security check' I went through was not conventional. He said that the two men in dark trousers and white shirts did not ask for 'my papers', that is, Passport or Identification Card. All in all, to him it seemed to be a pretty intimidating action with a clear preventative rationale. Given the car they were driving, their clothing and the type of beard, as well as the area itself where the episode had happened, it was more than likely that they were members of Hezbollah. He told me at the end, however, to reflect on whether I wanted to report the matter to the Lebanese Army Office which, indeed, was not that far from the Christian quarter. By doing this, despite being absolutely sure this was indeed the case, I would have known for sure whether or not they were members of Hezbollah as the officers had the records of each check and, I was told, I was entitled to know about mine too.

In any case, my informant concluded that finding out who it was would not in practice change much because Hezbollah (informal) Forces and activities in the city were not only well known but tacitly overlapped with the (formal) forces and activities of the legally legitimate (Lebanese State) authority. Indeed, between the two entities roles were well defined and never conflicting because even the Southern border areas and related-border activities were informally jointly managed. In other words, it was

not just in Beqaa that the Lebanese State and Hezbollah joined and, at times, somehow integrated in the name of security.

Hezbollah was first of all territorially and militarily so strong that it was inconceivable for the state (i.e., the Lebanese Armed Forces or the Lebanese Security Forces) to think to contrast, let alone clash with, it—even more so because the people in the Shi'a areas gave Hezbollah Forces such a strong legitimacy which was at least as much as the one they gave to the Lebanese Armed Forces; thus, for the (religiously based) community the intrinsic contradictions of power relations between Hezbollah and the Lebanese State became irrelevant. Meanwhile practices approved on the ground became dominant and slowly took over state-related activities. Indeed, Hezbollah was represented, and represented itself, as a real legitimate entity (while also taking advantage of a widespread perception of the Lebanese State being considered as acting immorally).

Such a legitimacy extended from the political (Hezbollah being a political party contesting elections and part of the Government) to the military (the illegal realm, since Hezbollah paramilitary forces are illegal entities in Lebanon and a terrorist organization for most other countries). Ultimately, the most important aspect which granted legitimacy to Hezbollah was the socio-economic realm. This was an area where Hezbollah has acted strongly from its very beginning and which has been growing in recent years, starting from its post-2006-War reconstruction activities (Mollica 2014b) and with its very helpful networks of assistance to the Shi'a people of the South. Legitimacy granted to Hezbollah grew from the 2006 War as Hezbollah immediately disbursed large funds to those who suffered from the systematic destruction of Lebanon by the Israeli Defence Forces. Meanwhile the Lebanese Government provided very little and late; its inadequate responses were often portrayed and thus perceived as the act of a corrupt body (Mollica 2014b).

We are here touching the issue of law enforcement in a country which in the second half of the last century and in this century has experienced several wars and invasions and a bloody 15-year-long Civil War (Harris 2012). Trust is here a major concern, including the religious trajectories that it has historically shown to follow, as the Lebanese Civil War has dramatically indicated. Pardo argues that it is impossible 'to trust those who enforce the law without trusting the law, and by extension, those who make the law' (2000: 7). However, in South Lebanon, enforcing the law, assuming there is a single codified law and where custom and tradition are accepted as carrying the same weight as national law, might have different

law enforcers. These may be interchangeable according to internal and external events and shifting their ranking according to those events. Of course, when actors are capable of transmitting their actions through channels that make those actions perceived as 'legitimate' by their target audience, even if they are not 'legitimate', those actors will be able to literally ignore what Pardo (2000) calls the 'prospect of criminalization'. Indeed, such criminal actions, 'criminal' in a purely legal terminology, might not be seen as such by the (here religiously defined) target audience. The (religiously defined) target audience might indeed consider those actions as necessary for the very stability of the (religious) community. And given the necessity to maintain a cohesive community for security reasons, it is precisely those 'illegal' actions that would need to be put in place, as the 'illegal' action is what is needed to guarantee the protection of the (religious) community, and this is because the 'legitimate' state authority was not capable of guaranteeing that security through (legitimate) 'legal' means.

DWELLING ON FRAGILE BORDERS

Given a series of past experiences in that area (Mollica 2006 and 2014a), I had provided all details about my staying in South Lebanon to the Foreign Affairs ministerial and consulate authorities of my country. However, that afternoon I contacted a friend of mine who worked for the intelligence of my country and who was in those days based in a Middle Eastern country, not far from Lebanon. My friend told me on the phone that the dynamic of what happened to me was common in unstable areas. As Lebanon was very close to a conflict zone and even experiencing some degree of spillover effect coming from it what had happened was to be expected. This was even more so since both the Lebanese Armed Forces and Lebanese Police Forces and the paramilitary formations (Hezbollah) in charge of security in those areas coincided with the legitimate forces.

My friend told me not to worry and to pay more attention to the movements and people approaching me. It was obvious to him too that there was something or someone in that building on the promenade that had been hidden and that my naive photos taken at the sign of the Restaurant called XXX had surely unleashed suspicions. My friend would also report what had happened to me to my country's embassy in Beirut.

That evening I did not say anything to my Lebanese informant of my afternoon call with my co-national friend working for the intelligence of

my country. My Lebanese informant stayed with me while sharing a water pipe, peanuts and Almaza Beer until quite late. But it was obvious that his living on the border between the Christian and the Shi'a area, in a town whose borders were fragile even before the recent influx of Syrian (Alawite, Christian and Muslims of various denominations) refugees escaping from the war, knew quite well how tense the situation was there. Indeed, the strong tensions that were in the area were highly visible, although the religious homogeneity and/or the political proximity between the indigenious population and the new streams of refugees should not have caused additional security problems. Nevertheless, security had to be continually guaranteed, but in order to do so strong controls in access and movement were continuously required, from and to the city, within the city itself and above all in a number of sensitive *loci*.

Many economic activities in the area were run by religiously mixed societies. The staff was nevertheless almost all Shi'a, that is, made up of Hezbollah supporters. It was beyond any doubt that the guys working in the area who knew me for years knew quite well what I was doing and such was the degree of confidentiality between us that some of them had told me of their relation to Hezbollah. In other words, if Hezbollah wanted to know more about me they could simply ask the guys who worked in the area. Some of them had been given the chance to go to fight in Syria or in Beqaa with Hezbollah units alongside the Arab Syrian Army of President Bashar Assad. Some of them had also been trained in Hezbollah training camps even before the Syria War started in 2011.

TRUSTING THE ILLEGAL ENTITY

Hezbollah control of the territory was almost total. This control was clearly overlapping, although without clashing, with the Lebanese State authority. This was so strong that it did not even have to be manifestly shown as already known and transmitted within the community. Nevertheless, visibility of that power became necessary when an 'alien' like me who naively took a number of photos at a sensitive site, where there was something that had to be hidden in a building (or nearby it) whose ground floor had a Restaurant named XXX, was jeopardizing their organization and communal security through unconventional behaviour. Power, as Pardo and Prato (2011) argue, must be *seen* as legitimate. It was indeed legitimate in my case as no one would challenge what Hezbollah men were doing by checking me in one of the most important roads of Tyre in

the very middle of it by literally closing the road and without the need to show any weaponry. In my case the check I went through was seen as legitimate and embodied the customary rules. Those rules were by now in the city strong as state rules.

It was not logical for the locals, Shi'a or Christians to take photos in that area because locals knew that it would have immediately attracted attention even if locals would have acted in good faith. Good faith here means locals who did not know (like me) about the presence of someone or something in the area that had to be hidden.

The fact is that in a city that is chaotic and where motorway rules are rarely respected and where I have witnessed several fights at crossroads and roundabouts between drivers, seeing that day car drivers silently waiting the two men in dark glasses and a week-long beard to carry out their patrol and checks (on me) proved that car drivers knew quite well what was going on. The two men were dressed in proper clothes which exuded codes with a clear message to which a corresponding behavioural code was expected. Indeed, it was not a 'normal' police check, but it was a check carried out by a technically illegal paramilitary organization acting in a sovereign state.

The check was a clearly manifested illegal action that nevertheless people were ready to accept, despite the disruptions in ordinary life it could bring about. Following a point developed by Pardo (2000), local people were to accept the disruption regardless of whether it was going to fall, as indeed it was, without the boundaries of formal law. I would add that the fact that the paramilitary group was acting in the centre of the city and that there was no control by anyone upon them but that their action was indeed even accepted by locals as normal and, somehow, lawful, implied that that action was implicitly blessed by the same legitimate police forces. It goes without saying that events like that must be common and the legal police forces must be fully aware of them. Those police forces must also be aware that they do not pose any serious threat to the local paramilitary group which is acting within a terrain deemed, perceived and represented as legitimate by both the same paramilitary group and its religious community of reference or at least where illegal actions are justified given the circumstances.

Of course, here we are moving away from the issue of accountability and re-entering a different domain, that is, the issue of trust. Pardo and Prato (2011) have developed the link between what they term 'political responsibility' as well as 'trust' and 'authority' by reference to the exercise of power. Let alone the relation between trust and legitimacy in the exer-

cise of power within the boundaries of ‘democracy’, I would endorse Pardo’s (2000) understanding of trust as a ‘commodity’ when (legitimate) power is absent. Here it is then important to find ways to guaranteeing citizens’ rights; nevertheless, power may be won via the ‘management’ of some circumstances (Pardo 2000), such as the case of an unstable scenario a city like Tyre could impose.

CONCLUDING REMARKS: THE CLASHING SHAPES OF LEGITIMACY

For the days that followed the Restaurant XXX event, I avoided going to the centre of Tyre. I continued my interviews at the hotel where I usually dined with my informants. After about a week, once I got the permission from Sidon to go beyond the Blue Line, I moved further south to continue my research in a Christian village on the Israeli border.

Nevertheless, that event had directly influenced my data collection. It became an integral part of my research agenda and even all my research activities of that field trip were since then conditioned. By extension, what happened to me, that is to say events that revolved around my taking some photos, brought me to reconsider events and people interacting around me. Even if I had seen Hezbollah’s members at their informal check points or through their social networks, for the first time I ‘personally’ encountered their security activities. This is why since that event I re-read the environment and started depicting that environment as if Hezbollah power and control structures were constantly, repeatedly reproducing. That reproduction took, obviously, different shapes for those local Christian and Shi’a people dwelling in those (religiously defined) areas. It took another form for me (a researcher) who lived there for a while and for others like me (such as foreign tourists) or for religiously defined refugees escaping from conflict zones, that is, mostly Syrian Shi’a, Alawi, Christians and pro-Syrian Government Sunni.

Ways and means used by Hezbollah to control the city and its routes and entry accesses were known to those living in the area. They were soon made known to the newcomers in that territory. Seeing then that these illegal means of territorial control were accepted *et simpliciter* by the indigenous people made them as strong as any state law should be. It was indeed precisely state law that was challenged there. Nevertheless, the means employed by the paramilitaries were not perceived, nor did it take the façade of an opposition to state law enforcement. Concurrently, these

means were represented as needed to strengthen what was seen as a perceived weakness of the Lebanese State authorities and were transmitted as if part of a political rhetoric that would consider those enforcing the illegal means the legitimate ‘resistance’ force.

However, such a rhetoric was customarily constructed against Israel and Israeli occupation and thus needed a continuous renegotiation having the enemy on the ground changed. These parallel activities of law enforcement by Hezbollah were, of course, also known to foreign secret service and intelligence and above all it was known by the state Lebanese authorities which have never seriously opposed such a presence. Indeed, Shi’a informants from the area argue that the sharing of some police and security activities was implicitly blessed by the Lebanese Armed Forces and by a large section of the ethno-religious groups’ representatives in both parliament and executive. For example, sharing information was manifest through the several, tacitly joint police operations at the border with Syria, especially in the Lebanese Beqaa area, in anti-Salafi-Jihadist stance. This was, above all, to deal with the raids of various Salafi-Jihadist units crossing the Lebanese-Syrian border. Indeed, in those conflict areas, battlegrounds were systematically divided between the Lebanese Armed Forces and Hezbollah paramilitaries to face terrorist Sunni militia.

Belonging here is by reference to a specific (religiously defined) group, acting in an (ethno-religiously defined) area to pursue (ethno-religiously defined) interests. I endorse here a point stressed by Heater (1990: 163), that is, the maintenance of the *status* of citizen may well be associated with small geographic units, in other words, local communities. These communities may act independently by reference to what they define as their legitimate authorities, these being more than one, regardless the fact that they might be competing within the nation state or established outside of their nation state itself. I would also add that the issue of multiple (and at times competing) loyalties might even be independent of mobility, as the Lebanese case indicates. Here, people do actually feel stronger loyalties with non-citizen co-religious living in ethno-religious similar countries (i.e., for instance, loyalties between Shi’a Hezbollah in Lebanon and Shi’a in Iran or Yemen or Iraq, or Sunni Lebanese and Sunni Saudi, or Christian Lebanese and Christian European). This would finally bring us to the possibilities of having competing moralities and the inherent dilemma of having to give those moralities priorities.

To push further on the sensitive issue of loyalties, it is at this point consequential to understand why Shi’a Hezbollah became rooted in Shi’a

areas and, even beyond, in non-Shi'a areas which were feeling threatened by Salafi-Jihadist organizations in Beqaa, including a number of Christian villages which felt the Lebanese State authorities were incapable of providing them security. By implication, it became extremely difficult for the Lebanese State authorities to oppose Hezbollah presence as its ramifications penetrated the formal state structures and were slowly even perceived as capable of providing much more reliable services as the state could do. This is because not only did Hezbollah have its very effective social networks continuously working and actually expanding, but above all because as a self-proclaimed 'Resistance Force' in anti-Israeli stance, they were slowly even able to recycle themselves into an anti-Jihadist (here including both al-Qaeda-related groups and Islamic State-related groups) 'Resistance Force' in both Syria (in a proactive stance against terror groups) and Lebanon (as a resistance force against occupying terror groups). They could do this also by the use of a narrative which depicted those Salafi-Jihadist groups as implicitly supported by Israel. After all this is a claim that did attract international widespread recognition as since the Syrian conflict started in March 2011 (and up to the time of writing) the Israeli Defence Forces have never targeted any al-Qaeda-affiliated or Islamic State units located in the Syrian Golan Heights, on the border with the Israeli-occupied Golan Heights. Indeed, each time a rocket has fallen into Israeli-occupied Golan Heights, the Israeli Defence Force has always targeted for retaliation the Syrian Arab Army (allied with Hezbollah) and never the Salafi-Jihadist groups, regardless of who fired the rocket.

The legitimacy Hezbollah had gained within and beyond its target (religious) population was manifest in the substantial, tacit acceptance of what were otherwise illicit practices. This ongoing social process based on communal (religious) cohesion reached a level where the local population, according to my informants, approaches Hezbollah for a number of services technically belonging to the Lebanese State authority. The local population often addresses not only Hezbollah-affiliated groups working in the social and economic realms but even Hezbollah units which work on the suppression of illegal activities, that is, even activities usually seen as pertaining to the Lebanese police. This goes on even if Hezbollah claims not to deal with those issues, that is, criminality, drugs, prostitution and so on. It means that some sections of the Lebanese (Shi'a) communities trust more the reliability of Hezbollah and not that of the legal structures of the Lebanese State well beyond the strictly security-related realm.

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Morality and Legitimacy in the Sewöl Protest in South Korea

Liora Sarfati

Rulers of democratic states earn legitimacy from both the bottom and the top. In the recent presidential impeachment in South Korea, these two seemingly opposite legitimizing mechanisms worked together. While the impeachment was decided by the constitutional court, an official, top-down mechanism of governance, the process of delegitimization began more than two years earlier, during commemorative protests related to the sinking of the Sewöl ferry and the death of 304 passengers. The protesters stated that the president had not behaved as expected during the rescue operations, had not communicated properly with the bereaved families and the public, and had not taken responsibility for the disaster's tragic scope. She was not the charismatic leader that Koreans expected to lead them in such a time of crisis and thus she failed in a key task of governance: 'to establish and nurture the connection with citizens' values, needs and expectations, the strength of which depends upon the observable quality of the link between political responsibility and trust and authority in the

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_13

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exercise of power' (Pardo and Prato 2011: 1). The sources of authority on which President Pak Kūn-hye (Park Gun-hye) relied, including the legal-rational democratic election process that brought her to power and her legacy as the daughter of a controversial former ruler of Korea, were not enough to prevent her downfall. She was ousted for failing to demonstrate the personal qualities that the public and lawmakers considered imperative, the qualities that Max Weber discussed as *charisma* (Weber 1968).

The Sewōl protests and the subsequent impeachment offer a fertile ethnographic field to examine public perception of the boundaries of leaders' responsibilities, a perception that does not necessarily overlap with the boundaries set by official laws. Mass commemoration events became the social locus of delegitimizing the then president. Such anti-corruption protests can begin even without any proven law breaking. In a case discussed by Atalay (2018, this volume), the Turkish public demanded that the state regulate the banks, although there had been no illegal act. The accumulated emotions of various individuals can affect the ruling elites and generate significant social change, as happened in Seoul.

The Sewōl ferry sank on the morning of April 16, 2014, en route to the resort island Cheju. It soon became clear that the ferry had not been handled, maintained, or supervised properly. The media accused various government ministries for this situation, and many blamed the president personally for not supervising the rescue operation well. The spontaneous demonstrations became a semi-permanent protest camp that the mayor of Seoul has allowed to stay at the centre of downtown, in Kwanghwamun Square.¹ During the past three years, the main protest symbol, a yellow ribbon, has changed its meaning from hope for survivors to an anti-corruption icon (Sarfati and Chung 2018). The deep grief over so many deaths turned into remorse for failing to create public pressure for a better society. The anger turned towards those who should have taken better care of safety and rescue procedures in Korea. Former President Pak was never deemed a very sociable, likable, or charismatic leader, but in the case of the ferry's rescue operation, these shortcomings were seen as leading to negligence and rudeness towards the Korean public.

In November 2016, the president's corruption became evident after the media exposed secret documents, in what came to be called *Ch'oe Sun-sil gate* (Choe 2016). The public demanded that the president resign.

¹Korean terms and names were transliterated using the McCune-Reischauer system, except the word Seoul. In some cases, other common transliterations were added in brackets.

Demonstrations became constant, massive, and effective. Public dissent in Seoul reached its height in the winter of 2016–17.² For more than a month, over one million people attended each Saturday night’s candle-light vigil in Kwanghwamun Square (Kim 2017). President Pak was impeached in March, detained for questioning, and eventually tried. Past Korean presidents who were guilty of corruption mainly escaped full trial and punishment thanks to their immunity. Many Sewŏl protesters felt, therefore, that this impeachment resulted from their demonstrations and social media campaigns, which kept public pressure on policymakers.

The impeachment motion discussed the president’s misconduct related to the Sewŏl ferry’s sinking in detail, although it did not specifically cite her for disobeying laws in that event. It mainly accused her of not protecting the people and not acting as expected from the country’s elected leader. This case demonstrates how ‘the power to rule can be undermined by the failure to engage fully in the demands and responsibilities of political representation, also of unaligned moralities and interests’ (Pardo 2000: 7).

In this chapter, I analyse how the process that delegitimized President Pak and her regime was related to debates over governance and responsibility rather than to law breaking. After a history of the protests in downtown Seoul, I analyse three moments that demonstrate how questions of morality and legitimacy became central to the rage against Pak and her government. I arrange these moments in chronological order, beginning with the summer of 2014, when volunteers dedicated immense efforts to collect ten million signatures on a petition to change the law in order to enable a proper investigation of the ferry’s sinking. Next, I discuss the distress of the bereaved families and their supporters when the Ministry of Education decided to clear the drowned students’ classrooms of their personal effects and commemoration installations. Last, I discuss the impeachment of President Pak in 2016 as a belated result of her sinking legitimacy in the Sewŏl aftermath. These three examples reflect urban Koreans’ strong tendency to construct public opinion on the basis of morality, humanity, and responsibility rather than on legality and formal codes of conduct. I discuss the contextual aspects of Pak’s presidency, including the sources of her legitimacy according to Max Weber’s theory, and relate these to the historical process that the ferry’s sinking initiated.

²A video depicting these protests with English captions is available from the *New York Times* at <https://nyti.ms/2mtKWgq> (accessed May 1, 2017).

LEGITIMACY, LEGALITY, AND DISSENT IN KOREA'S HISTORY

Before the nineteenth century, few if any large-scale demonstrations or rebellions were documented in Korea. Korea was often described as a peace-loving nation of obedient peasants. Following the introduction of Western thought, including Christianity, democracy, and human rights, large-scale protests began in the countryside in the 1880s, when the farmers, led by some intellectuals and aristocrats, sought to eradicate the corruption of the wealthy (Shin 2014). Korea was a monarchy at that time, and the king deemed such rebellions illegal. He requested military help from China, bringing thousands of foreign soldiers to Korea to control the raging peasants. Law, in its contemporary, democratic sense, was irrelevant at this time. A similar pattern was repeated in 1894, but this time, Japanese and Chinese soldiers who arrived to help the Korean elites to control extensive dissent ended up clashing with each other in what became the first China-Japan War. The king's inability to control the public's rage and frustration thus cost Koreans a massive, violent, international clash conducted largely over their land.

When Japan annexed Korea in 1910, Koreans expressed their wish for freedom with mass demonstrations in central Seoul and elsewhere. While the annexation was performed according to Western conventions, with a bilaterally signed treaty, the Korean people viewed it as an abusive, unilateral move on the part of the powerful imperialist Japanese army. The demonstrations, known as the March 1st Movement, drew hundreds of thousands (Manela 2009). In 1919, mass protests against Japan achieved a temporary relaxation of speech regulations and shaped international opinion of Korea's annexation. However, this was only a temporary relief from the colonizers' tight grip, which ended only after World War II.

Koreans continued to revolt against Japan, but their different approaches divided the nation into two groups. Northern Koreans wielded armed resistance with the help of China and Russia, while Southern Koreans relied on underground cultural nationalism aimed at preserving Korean culture in the face of Japanese efforts to quash it.

After the Japanese colonizers left the peninsula at the end of World War II, the American and Russian liberators controlled the South and the North of the land, respectively, for three years. In 1948, the United Nations pressured the Koreans to conduct democratic elections, take responsibility for ruling Korea, and enable the foreign forces to withdraw. Democratization was thus enforced from outside, and for alien interests,

while the Koreans themselves were still harshly divided between communist and capitalist factions. Tragically, the Northern, Communist leader, Kim Il-sung, did not register as a candidate, his supporters did not vote, and the Southern candidate, Yi Süng-man (Syngman Rhee), won. The Korean War ensued, with Korea now split into two enemy countries. Again, protest and dissent combined with international involvement caused dire consequences.

The Korean War was followed by ten years of ineffective rule in South Korea and protest against the corruption of Yi's regime and his immorality. Huge demonstrations in 1960 brought about a political collapse and the election of a new president. The following year, another coup by Dictator Pak Chŏng-hi (President Pak Kün-hye's father) began more than 20 years of military dictatorship. While the demonstrators managed to oust President Yi, they did not ultimately achieve greater political freedom or human rights.

The plea for democratization in South Korea reached its height in the 1980s, manifested in the active engagement of hundreds of thousands in street demonstrations in Seoul and other cities. The largest of these demonstrations took place at the funerals of student protesters who died at the hands of police (Tangherlini 1998). The perceived immoral conduct of the authorities enraged Koreans more than the daily hardships that they suffered. Protest was most efficient in 1987, as the Olympic games were supposed to be held in Seoul the following year, and the government was warned that this long-awaited event might be moved to another country if violence continued in the streets. Free presidential elections were announced in 1988, although not in the manner envisioned by the dissent.

Since full democratization in the early 1990s, Seoul has seen massive demonstrations over various civil and economic issues including factory workers' labour conditions, objections to the signage of free trade agreements with the USA, and disputes with Japan related to colonial comfort women's compensation (Lee 2014). The Sewŏl protests should be examined within this well-documented and much-studied environment of mass mobilization. Both protesters and policymakers in contemporary South Korea have been aware of many successful past demonstrations, and these antecedents increased the effectiveness of mass mobilization in the Sewŏl movement.

Given that the Sewŏl movement centred on non-legal issues such as a thorough investigation of the sinking and a proper commemoration of the

victims—issues not clearly relevant to each and every Korean—it is surprising that these demonstrations attracted larger crowds of more diverse backgrounds, political agendas, and lifestyles than other previous and ongoing protests, such as the THAAD anti-missile base construction, which was followed by vocal objections related to safety and environmental issues, by people living around the planned bases (Koleilat 2016). Furthermore, the symbols used in the Sewōl movement gained an iconic status and have been utilized in various contexts, both related and unrelated, such as the comfort women’s claims and recent presidential campaigns. The yellow ribbon proved to be such an effective symbol that the government tried to ban its use through legal procedures six months after the sinking. Several students appealed to the National Human Rights Commission, saying that banning the yellow ribbon in schools breached their right to self-expression (Jhoo 2015). Eventually, individual use of the ribbon was allowed, and protesters felt that the law could be used to promote their interests as well.

FIELD AND METHOD

During my ethnographic study of the Sewōl movement, I attended several dozen demonstrations, commemoration events, and parades. I visited the camp in Kwanghwamun Square almost daily for two months in 2014 and again on shorter field visits in 2015, 2016, and 2017. While my main research method was participant observation, I also collected, photographed, and filmed many of the material manifestations of dissent in Seoul and Ansan (the residential suburb where most of the ferry’s victims went to school). I recorded in-depth interviews with 20 protesters, who were leaders of diverse protest projects. Among those interviewed were bereaved family members, volunteers in the protest camp, social media content managers, and a lawyer who became involved in the families’ demand for further investigation of the sinking. I also followed several social media channels where the protesters have maintained a constant presence with updates from the camp and various events. My closest informants corresponded with me through email and social networks about their thoughts and feelings related to the protest and other issues while I was away from Korea. One of them, Dr Bora Chung of Yonsei University, has cooperated with me on three articles about the Sewōl protest. Data from this three-year-long ethnographic work are used here to unfold the process of President Pak’s delegitimizing, from the first weeks after the sinking to her impeachment in 2017. The first case discussed is the plea for a thorough investigation that might reveal if the disaster was preventable.

PREVENTABLE OR INEVITABLE? DEMANDING A PROPER INVESTIGATION

When the Sewŏl ferry sank in 2014, leaving hundreds dead and many missing, South Korea was shocked. Mass mourning soon turned into anti-government protests. When a few weeks had passed and no significant investigation committee had been appointed, activists collected ten million signatures on a petition to change the law in order to enable a full investigation, punishment of those found guilty, and better safety and rescue regulations. Many bereaved parents went on hunger strike towards the same end. Like other grass-roots movements, such as the New York local volunteers' involvement in the national Democratic Party activities, rezoning processes, and bike lanes' planning (Krase and Krase 2018, this volume), the Sewŏl parents were identified as a marginalized group fighting for its rights through petition and personal appeals to authorities. The protesters mainly targeted a malfunctioning bureaucracy and improper cooperation between economic tycoons and government officials.

Additionally, the president's reaction to the tragedy left many doubtful of her legitimacy as the country's ruler. Mrs Kim (full name withheld), who collected signatures every weekend in the first few months of the protest, recalls with tears in her eyes:

I was so upset to see the hunger-striking parents at the square with no one paying attention. The president did not visit the commemoration altar even once! I was shocked to see how she did not care to do this. Even if not for the feelings of the families, but for her own political needs. Did she not think that people would see that as immoral behaviour? Hundreds of dead people and she cannot even come to shake hands with the families? What kind of person is she? I was feeling all that rage, and then I began to visit the protest camp and sit in solidarity with the families. Then I heard that they needed volunteers for the petition booths and began to do this. Some days I would stand ten hours until my feet hurt so much, but I wanted to do it. I could not allow myself to stand aside. That would have been immoral.

In Kim's recollection of the president's behaviour, the immense death toll was only one part of her failure as the country's leader. No less significant was her refusal to demonstrate compassion for the grieving families. Kim and many protesters told me that they thought that the president was 'flawed as a person,' and therefore they did not believe her statement on the news that she felt sorry for the loss. As Pardo (2000: 7) suggests,

‘Credibility is heavily dependent on the relationship between the actual and the perceived management of responsibility.’ In the case of Sewöl, the people of South Korea hoped that the president would personally supervise the rescue efforts, visit the bereaved families, and order a thorough investigation. These were her perceived responsibilities. Although it is difficult to prove that direct presidential involvement would have changed the event’s disastrous results, fingers were pointed at her. Pak’s detachment from the event, while legal, was perceived as mismanagement and irresponsibility, and people blamed her individually, connecting this event to the heartless image of her late father.

Former President Pak is the daughter of the Cold War Dictator Pak Chöng-hi, who ruled the country from 1961 to 1979. His legacy includes a constitutional change in 1972 that allowed him to control most of the country as he wished. His violent treatment of those perceived as disloyal to his regime cast a shadow on his daughter’s political behaviour, even though South Korea has been a democracy since the late 1980s. Her father’s actions gained President Pak many supporters, too, who thought that she might be able to pull Korea out of economic recession in the 2010s, just as her father did in the 1960s. Thus, she was elected democratically in 2012, despite fierce opposition to her right-wing, corporatist ideology.

The dictatorship’s legacy has been viewed as contributing to weak safety regulations and poor supervision of private business, apparently leading to the ferry’s poor maintenance. You and Park (2017) demonstrate how state corporatism stemming from the pre-democratic period enabled the ferry business to operate with little regulation. They quote several laws in the shipping industry that were not changed since the 1970s, among them the self-regulation scheme, by which the shipping industry is responsible of maintaining safety without governmental intervention. In the 1990s, passenger ships were given the right to be as much as 30 years old, replacing the safer 20-year age limit of 1984. The Sewöl was already 18 years old when it was purchased from Japan, after it had been retired from service there. It was then remodelled to carry more passengers and did not have proper safety devices installed. Even though President Pak did not initiate these regulatory relaxations, she is blamed as immoral and irresponsible for not changing them. As for the rescue operations, these were mostly in the hands of a private business, and therefore, the coast guard did too little. It has been suggested that Pak and her government preferred to see the boat sink rather than saving it.

Rumours about the government's mishandling of the boat and the disaster circulated extensively in the protest camp. The prevailing assumption was that ruling and economic elites had cooperated to silence the reasons for the tragic event, leading to multiple conspiracy narratives. When I recorded some of the narratives, speakers asked me to mask their identities, fearing persecution by the authorities. While they spoke freely in front of people they met in the camp, their trust in the world outside the dissent movement was dropping. In the summer of 2014, the police announced that they had found the body of Yu Pyŏng-ŏn, the owner of the ferry who had been missing for several weeks after the disaster. Mr Son, a middle-aged volunteer who made yellow ribbon pendants in the square, shared his sentiments:

They can never convince me with this silly story that the body was so close to his house but was found only after a month of lying there in the field. They did it on purpose so that it would be difficult to identify it and they can say that it was his body. I am sure that he escaped the country with their [government officials'] help. At first, they said that he disappeared, and this enabled them not to investigate his role in the tragedy. Then they said that he showed up in places and that they are looking for him, and suddenly they find him dead. Somebody wants to cover up things real bad.

Ms Yun, another activist, thought that the National Intelligence Services (NIS) were interested in the cover-up:

I heard that the boat carried many metal poles that overloaded it. This was possible because the boat was secretly run by the NIS, and the passengers were just a camouflage for a secret operation. This is why the government would not investigate the shipwreck or pull it out. If the involvement of the NIS is discovered, then everyone will understand why there were so few survivors. The president surely gave orders not to go into the boat to save people. Otherwise, I cannot understand why so few were saved. I saw in the news a rescue boat standing next to the half-sunk ferry. Why didn't they break the glass portholes to save the children? I think that one of the marines on the boat was looking inside a window and I think that I saw a face there. Who would not break the window to save that child? Only someone who was given direct orders. I think that they intentionally let the children die in order to cover up their corruption. The boat should not have carried all this metal. Who knows what was there and what it was for?

Ms Yun more readily embraced corruption as the cause of the disaster than coincidence and human frailty. Furthermore, the conspiracy theory helped her make sense of the delay in the wreck's salvage. When the wreck was finally pulled out in March 2017 and no metal poles were reported, she explained that these must have been removed secretly.

Such rumours fuelled the protesters' confidence that their fight was justified. They felt that, if they would not construct the memory of the event, the conspiring elites would draw it to oblivion in order to escape trial for their shortcomings and corruption. This is why memorials were so central to the Sewöl protest and were the core of the camp that sprouted downtown (Fig. 13.1). Photographs of the youths who had died and lists of their names were a constant emotional provocation that kept the issue alive. Moreover, constant discussion of Sewöl-related rumours in the media resulted in broad social legitimacy for, and participation in, the struggle. The Sewöl protesters often emphasized that the peaceful nature of their protest was their source of strength. When, in the winter of



Fig. 13.1 The main protest camp at Kwanghwamun Square. Photographs of dead and missing passengers feature in posters and commemoration altars. (Photograph by author)

2016–17, the protesters voluntarily cleaned the streets and square of downtown after the mass gatherings, it was perceived as a symbol of good citizenship, as opposed to the ‘bad people’ who ruled the country and caused the immense death toll of the disaster.

Many thought that the accident was manmade and that, if no precautions were taken, it could be repeated (Kim and Ham 2015). The protesters and media reminded the public of previous disasters that had not resulted in serious revisions of safety regulations, such as the sinking of the *Sŏhae* ferry in 1993 (with 323 victims on board) and the collapse of *Sŏngsu* Bridge in 1994 (which killed 32). They also compared the current disaster unfavourably with the collapse of the *Samp’ŭng* department store in 1995, which left 502 dead and 937 injured. In the *Samp’ŭng* disaster, the owners were tried and imprisoned; rescue efforts were hailed for bravery; the media seriously criticized the ‘Republic of Disasters’; and, as a result, the government conducted safety inspections on all buildings in the country. The public felt that justice had been done and did not take to the streets. The mother of a *Sewŏl* victim mentioned this in a news interview: ‘When *Samp’ŭng* collapsed, I was in my 30s. I cried a lot for the victims but didn’t do anything. Younger people should act, do something, otherwise when they reach my age they might have to cry for their lost babies like me’ (Kim 2014). Several parents of victims from these and other past accidents supported the *Sewŏl* parents, and many protesters recalled such past disasters as a lost opportunity to put pressure on governments. This time, they wanted to make up for their lack of activism in the past. They believed that officials would more readily support other elites than the general public.

These differences between the activism patterns after the *Sewŏl* and *Samp’ŭng* tragedies are related to the democratization process that Korea has undergone since the early 1990. The *Samp’ŭng* department store collapsed in 1995, at the beginning of this process, when Koreans were less aware of the possibilities that they had for safe individual activism. Their experience of the democratization demonstrations during the 1980s associated activism with danger and violent punishments. After more than 20 years of stable democracy, Koreans have grown to view protesting as their legitimate right for self-expression. The citizens’ internalization of democracy is apparently not an immediate response to an official opening up of societies to political agencies. Similarly, around the same years a highly bureaucratized democracy was being established in Albania but took time

to become grounded because trust between government and citizens took time to become established (Prato 2018, this volume).

In the analysis of such trust construction processes in Albania, Korea, and other case studies discussed in this volume, legitimacy was established through the public's feelings towards the governing elites and was not strictly related to the legal dimension. Personal credibility and public accountability proved essential in the process. When these did not exist, grass-roots activism was a typical result, as long as the dissent was held in a safe democracy, where people were not afraid to express discontent with their rulers. It was seen, for example, in Canada, when the Viger Square in Montreal was reconstructed with little consultation with its users, who turned to a variety of methods, including meetings, co-signed newspaper editorials, public speaking, and public consultation to express their objections. One of the central issues was moral legitimacy, beyond the legal rights of the authorities (Boucher 2018, this volume).

In the Korean context, the president's legitimacy began dropping after the Sewöl incident, because she was seen as passively failing to exert her power to maintain the safety of her people. Pardo (2000: 5) asserts that there are two main types of immorality in government, 'the immorality of downright dishonesty' and the 'more graded immorality of neglect of duty.' Pak Kün-hye has been accused of both. While the second is related to aforementioned shipping industry regulations, the first is related to her treatment of the bereaved families, as the case of the abandoned classrooms tells.

ABANDONED CLASSROOMS AND OFFICIAL INTERVENTIONS

Two hundred and fifty senior students from Tanwŏn high school in Ansan were among the tragedy's victims. Ansan is a lower-middle-class and blue-collar suburb west of Seoul. The suffering of this school's families has been linked to their disadvantaged status, which prevented them from pulling strings in the administration for better rescue and investigation. Their fiercest battle was against emptying Tanwŏn classrooms of their dead children's desks.

The empty classrooms turned into spontaneous commemoration sites even before most bodies were found and the list of missing dwindled. At first, friends and acquaintances wrote notes of hope to find the students alive. Prayers and wishes for the safe return of the students were scribbled on the blackboards. Later, visitors created small altars for students' spirits

by placing food, flowers, photographs, favourite drinks, and personal notes on the deserted desks. Visits to the site included not only family and friends, but also other interested Koreans, sometimes organized as tour groups with a local volunteer guide.

Early in 2016, the local education ministry decided to begin reusing the structure and announced that it would dismantle the desk altars. This act, while lawful, was deemed immoral by the bereaved families and their supporters and reignited civil unrest around the Sewŏl issue. Similar to the aforementioned Viger Square reconstruction project, the perceived rights of the place's users made the planned changes a public matter regardless of the legal ownership (Boucher 2018, this volume). Many parents and protesters stated that the Tanwŏn classes should not be cleared until the ferry was pulled out of the water. They also felt that the tragic loss would have been less painful had it at least brought about significant changes. The empty classrooms symbolized this failure. Parents of the missing students did not even have a gravesite to visit, and the classrooms offered several of them a place to mourn and express their sentiments. They felt that clearing the classrooms symbolically denoted the death of their children. They had hoped that, during the wreck's salvage, the bodies might be found and a proper funeral be made possible, with a casket being carried through the school as many others had been, expressing the presumed wish of the spirits to say a last farewell to their classrooms, but the Ministry of Education did not wait for that. Several parents slept in the school to protest the decision and, when the final date was set for July 25, 2016, some of the volunteers feared that violence might erupt. Officials stated that the classrooms would be emptied with or without the parents' cooperation. A serene and sad ceremony was prepared through collaboration between several churches, Buddhist orders, and new religion groups.

When I arrived at Tanwŏn High School on the morning of evacuation day, the bereaved family members and a few hundred supporters stood tensely, waiting to see how the day would evolve. Some had packed the personal belongings of the deceased students and the desk altars dedicated to them, while others refused to do so, and so their children's desks were left untouched among the cardboard boxes (Fig. 13.2). Most parents eventually cooperated, because they feared that strangers from the ministry might do the work with less respect and care. The packing was mostly silent. Some mothers and grandmothers began sobbing and walked out of the classes. Volunteers used white gloves, and many wore white attires similar to



Fig. 13.2 Unpacked desks of missing students among the boxed desk altars of other drowned classmates. (Photograph by author)

traditional funeral clothes. Emotions surrounding this event were extremely heightened.

The Ministry of Education created a new commemorative site in its own complex, about a mile away from the school. It cleared one building of its original offices, transforming ten rooms into smaller, museum-like classrooms, where the original tables, personal drawers, and blackboards were to be installed in the same position as in the original classrooms. Meticulous care was taken to document and map the classrooms before their dismantling in order to create the replicas.

Certainly, the Ministry of Education had the legal right to clear the classrooms. However, its actions were perceived as disrespectful and cruel. This view was written on posters held by several family members who slept in the school, refused to pack the desks, and on the day that the classrooms were finally packed took their own children's boxes home, refusing to participate in the substitute commemorative site.

When all the other boxes had been packed, they were carried to a large area covered with plastic mattresses. Religious rituals were held there, with different religious leaders reading sacred texts and incantations for the

spirits of the dead. Volunteers in funeral attire beat traditional drums, and many in the audience wept. After the desks were loaded onto several trucks, the parents carried the boxed items on foot to their new location. The procession was arranged as a symbolic funeral, with drummers and flag bearers in front, then the family members carrying the boxes, and several hundred volunteers and supporters marching behind them. The procession progressed slowly on the main road, as the police had blocked the streets from the school to the district office. Media crews videotaped the event, but little was broadcast on mainstream television channels. The footage was mostly shown on Internet channels related to the protest movement. Such exclusion from the public broadcasting system was evident throughout the protests and created more suspicion towards the authorities and trust in alternative online media (Song and Son 2017).

In the classroom evacuation ceremony, mourning was expressed through protest and vice versa. Anger towards the authorities was central to the planning and production of the event, which had become in many aspects a political demonstration. Demands to salvage the shipwreck, investigate the sinking, and treat the families with respect were constantly uttered, with blame directed towards President Pak and her administration. Even though everyone knew that the Ministry of Education owned the school building, parents were perceived as having a moral claim on the classrooms, the last place where the drowned children had stayed for extended periods. The school was not to blame for the ferry's sinking, but the Ministry of Education was implicated as part of the government and the corrupt elites. The behaviour of education officials was thus perceived as within 'ambiguous realms of action which are perfectly legal but are identified as (morally) illegitimate' (Pardo 2000: 19–20). In contrast, the actions of parents and protesters were perceived as 'unofficial, even illegal, behaviours which are regarded as improper but desirable because they are seen to address real problems without seriously jeopardizing shared moral imperatives' (Ibid.). Within a few weeks of the classroom evacuation, the extent of President Pak's corruption unfolded in the media, and the demonstrations intensified.

CORRUPT OR IMMORAL?

In the weeks following the ferry's sinking, many protesters and bereaved family members hoped that President Pak would resign and take responsibility for the disaster. In Korean culture, resigning is a common way to express personal responsibility for the failures of one's subordinates.

However, ten days after the sinking, only Prime Minister Chung had announced his resignation as a way of apologizing for the government's regulatory shortcomings and its mishandling of the rescue operation.

President Pak said nothing about her own responsibility and remained in her post. The media reported on the bereaved families' reaction to Pak's choice:

A father of a missing ferry passenger—a girl—called Chung's resignation 'meaningless.' He and the girl's mother and sister are outraged at the government about what they say is a disorganized rescue operation. '[Prime minister] Chung doesn't want to take responsibility for this mess,' the mother told CNN's Nick Robertson. She felt that if President Park Geun-hye [Pak Kün-hye] were to resign 'that might actually do something.' (Fantz et al. 2014)

The president's refusal to assume responsibility was contrasted also with the suicide of the high school's Assistant Principal, Mr Kang Min-gyu, who had been on the ferry. He left a note expressing guilt over the tragedy and regret for his own survival. Many sympathized with his act and paid their respects to his family (Park and Kim 2014). Likewise, the Sewöl's captain and crew were serving long prison sentences while the political figures who were viewed as responsible faced no legal consequences.³

When President Pak was finally impeached in 2016 in the wake of the Choi-gate scandal, people credited the mass demonstrations around the Sewöl protest camp. The CNN headline read, 'Park [Pak] impeachment: Bittersweet victory for families of Sewol ferry victims' (Griffiths and Han 2017).

'Recover the Sewol ferry! Recover the truth!'

The crowd shouted the words defiantly, yards away from South Korea's seat of power. Thousands had gathered outside the Blue House, South Korea's executive mansion, to celebrate the demise of President Park Geun-hye [Pak Kün-hye], after a Constitutional Court upheld a vote to impeach her Friday (Ibid.).

³The captain was guilty of breaking several laws, including the Korean Seaman's Act, which requires a captain to stay on a sinking boat until all the passengers have been saved (Stampler 2014).

Indeed, my email correspondents, social media pages, and other news venues in Korea expressed the same idea. The president's support had been declining steeply since the ferry sank, and many perceived her impeachment as the bereaved parents' justified revenge. After the impeachment, several newspaper pages covering the event were placed on the commemoration altars at Kwanghwamun Square, as if telling the spirits of the drowned passengers that the struggle on their behalf had succeeded.

Previous presidents in Korea accused of corruption received gentler treatment at the hands of the authorities than did Pak. She was arrested before trial, and recently her lawyers resigned to express protest against the conditions in which she is being detained. In contrast, past presidents guilty of mass death in the Kwangju Massacre in 1980 were brought to trial almost 15 years later and were released after a short while. Presumably this difference was due to the emotional tone of public dissent after the Sewŏl tragedy. Such sentiment is evident in the impeachment motion's fifth part, entitled 'The Violation of the Duty to Safeguard the Citizens' Right to Live.' The text that follows announces:

The president has the duty to safeguard the lives of the citizens.... President Pak Kŭn-hye, who was expected to take national catastrophe and crisis under control, was nowhere to be seen.... Afterwards, President Pak, in spite of the numerous requests by the citizens as well as the press to disclose her whereabouts during the so-called 'Sewŏl Ferry 7 hours,' continued her persistent refusal to cooperate and her cover-ups, violating the citizen's constitutional right to know.... President Pak's response as described above is closer to abandoning her duties as the president of Republic of Korea to protect the citizens' lives and guarantee their safety and thereby violates the duty to safeguard life as guaranteed by Article 10 of the Constitution. (Translation by Chung Bora)

The impeachment motion, which mostly deals with the president's violation of laws, discusses her actions during and after the sinking of the Sewŏl as unacceptable. It mentions the public's right to know and the president's constitutional duty to safeguard citizens, but it does not assert that Pak broke any specific laws. Instead, the text describes in some detail how Pak failed to act as the country's leader.

This impeachment text demonstrates several points related to the blurry line between illegal and immoral action by political leaders. According to the Korean constitution, the president is required to 'safeguard life.' This

phrase could be interpreted in diverse ways, and Pak's supporters suggested that she was not the one directly responsible for any loss of life. Yet, by failing to inform the public about what was happening, the president allegedly violated 'the citizen's constitutional right to know.' While the impeachment motion does not clearly state that the Sewöl tragedy was related to the Ch'oe-gate corruption scandal, the public connected the two events (Seo 2016; *The Guardian* 2016). Moreover, the motion describes Pak's perceived responsibility for the deaths of the drowned students in more emotional terms than her corruption in the business sector. For Koreans, these two scandals were symbols of the tyranny of the rich and powerful over the poor and powerless. The Sewöl scandal decreased support for the president and raised questions about her moral legitimacy as a ruler. Then, when the extent of her corruption became known, and her actions could be proven illegal, the public took to the streets to demand impeachment. The Sewöl tragedy ignited the process, which the impeachment completed.

The recent elections demonstrated the power of the Sewöl protests in forming a new era of South Korean ruling elites. Unlike cases where public disappointment in leaders led to disengagement from the democratic process (Pardo 2018, this volume), more than 80% of voters participated in the May 2017 elections. Mun Chae-in (Moon Jae-in), a liberal candidate who was not related to the right-wing Pak, won the elections. In one of the final election speeches, he declared he would be 'the president who never forgets Sewöl as long as there is spring and as long as April comes every year.' He promised he would work to reveal the whole truth about the sinking and make Korea a safer country. Symbolically, he chose Kwanghwamun Square for his final campaign speech.

Pak and Mun were both elected democratically and therefore maintained their authority through the legal-rational sanction of democracy (Weber 1968: 215). However, unlike President Pak's sources of legitimacy, which rested symbolically on her father's legacy in what Weber calls *traditional authority*, Mun can be described as a charismatic leader who was elected on the basis of personal qualities. While Pak was viewed as one who could handle the contemporary challenges of South Korea by reinstating nationalism and conservatism, Mun was viewed as a person with a new vision for Korea. Indeed, Mun insisted throughout his election campaign that he would change Korea and eliminate harmful corporatist legacies. In one such speech in 2017 he said: 'We need a national clean-up. We need to liquidate the old system and build a new South Korea. Only

then can we complete the revolution started by the people who rallied with candlelight' (Choe 2017). President Mun's rhetoric emphasizes his moral stance and a sense of responsibility for the well-being of Koreans, even when the driving forces of economic growth might be opposed to such changes. He has put much effort at establishing trust and relationships of reciprocal respect between himself and his voters, in a manner that Prato (2018, this volume) deems crucial for a legitimate leadership. He might need to pass new laws in order to fulfil his promise, but the Sewŏl protesters often suggest that much can be achieved even within the current constitutional situation.

CONCLUSION

This ethnographic research among the Sewŏl protesters reveals individual and group emotional processes that led to intense political involvement. Many hundreds of thousands of people participated in social and political turmoil over three years. The tragedy and its fallout raise enduring questions about power, legitimacy, and democracy. I examined the cultural and social forces at work by focusing on three moments during the process. The struggle to change the law in order to enable a proper investigation expressed the protesters' awareness of democratic governance and their expectation to personally affect their country's codes. The protest against clearing the dead students' desks suggested a blending of legal and moral assessments of formal institutions. Finally, the massive impeachment demonstrations around the Sewŏl protest camp revealed the interplay between personal morality, civic responsibility, and the law. The three cases together demonstrate how individual emotions and values led to actions that eventually generated significant changes in South Korea.

Contemporary urban clusters such as Seoul are especially fertile grounds for such mass protests. It is easy to arrive at downtown locations because they are well connected by public transportation, and the dense population allows thousands to respond to a call for action within minutes. Extensive usage of Internet and social media has also contributed to the effectivity of this dissent movement. As knowledge of the leaders' activities becomes widely available, and rumours and conspiracy theories are distributed through various face-to-face and online media, the legitimacy of leaders such as Pak Kŭn-hye can be eroded by the masses.

The public used space to claim a democratic right to influence its rulers. Protesters created a semi-permanent protest camp; they prepared,

distributed, and wore on their bodies protest symbols such as the yellow ribbon, and these became iconic, space-defining artefacts, delineating protest sites and personal identities. Such sacralization of commemoration sites proved powerful in other protests as well (Senie 2006). Space became a weapon of resistance.

Conflicting moralities often underlie economic goals and personal safety. In Korea, the president was viewed as responsible for both goals. As a leader, she was expected to satisfy large business conglomerates to ensure the country's economic prosperity and at the same time to take care of laws and regulations that would ensure personal safety for all. Yet safety regulations cost money that business owners often object to. In the case of the Sewöl ferry, had the country required every ferry to pass a meaningful inspection before leaving port, the cargo in the ferry probably would have been fastened. Moreover, the hired staff would have been required to undergo proper emergency training, and the rescue operation would not have been handed to an unsupervised private company. President Pak was personally accused for these irregularities. The protesters were well aware of the power of law, used lawyers as advisors, and worked mostly within the legal bounds to advance their cause. However, much of the discourse around the Sewöl tragedy treated morality as more important than simply adhering to the law.

Former President Pak paid with her position and reputation for her feeble handling of the event. The legal impeachment rested on the massive civil unrest that broke out as a result of that tragedy, and that was heightened when evidence of corruption began to surface. The individual actions of many Koreans brought about the political change that they had asked for. At last, the reality of 2017 fulfilled the wish that one of the bereaved mothers expressed to me in the early days of the protest in 2014: 'If the sacrifice we made will bring about the social improvement that we hope for, then we can bear the pain.'

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Romani Political Participation and Legitimization of Power Relations in the Czech Republic

Zdeněk Uherek

INTRODUCTION

Large communities of different Roma minorities live in many Central and Eastern European countries. However, Roma political participation very often does not correspond to their share of the population and the importance of the Romani in political discourse (Vermeersch 2006, 2017). The situation is not much better in Western Europe. As suggested by Aidan McGarry and Timofey Agarin, ‘The idea that Roma communities need to be included in public life is rather uncontroversial, widely accepted by Roma activists, academics and policy makers in national and transnational

This study was supported financially by the research support scheme of the Charles University Progress Q 18.

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I. Pardo, G. B. Prato (eds.), *Legitimacy*, Palgrave Studies in Urban Anthropology, https://doi.org/10.1007/978-3-319-96238-2_14

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political contexts' (McGarry and Agarín 2014: 1972). However, despite the massive increase in organisations that deal with Roma issues after the fall of the Iron Curtain in 1989, Roma participation remains low (Barany 1998). Romani are not only insufficiently involved in the political decisions that concern them, but their social and cultural activities are often organised by people who do not declare themselves as Roma. The reasons are many. Aidan McGarry and Timofey Agarín, as well as Ilona Klímová-Alexander, believe that the political participation of a minority such as Romani is not possible without structural support that opens a minority's path to the national (state) structures (McGarry and Agarín 2014: 1975; Klímová-Alexander 2016). The right to political participation links to significant aspects of citizenship and sense of belonging and to the legitimisation of political representatives (Pardo and Prato 2011).

The low social and political participation of the Roma has a number of causes, including the low level of education of the Romani minority as a whole, the fact that a large part of the minority lives at levels of poverty and social exclusion such that locally is considered a 'problematic' minority and the majority population is distancing itself from it (Sobotka 2009). The difficult conditions for social and political participation were well pictured by a Roma student who had completed high school education and tried to study at college: 'Nobody can imagine. It's too demanding. While everyone around me is taken for what he is, I have to constantly prove that I'm normal and not a criminal.'¹

Although the stereotype of the Roma as an individual with socio-pathological behaviour is strong, it cannot be said that Roma would not receive structural support. In the Czech Republic, there are many Romani institutions supported by governmental, regional and local authorities. However, their activities focus mainly on social assistance and counselling in socially excluded populations, or are geared in the support of Roma culture, but not towards political participation.

Despite unfavourable circumstances, Roma have been able to mobilise politically several times, even without structural assistance. Most noticeably, this occurred in 1989 and the early 1990s. In her book on Romani politics, the sociologist Irena Kašparová describes the situation as follows: 'After the fall of Communism in 1989, the Roma—along with the entire population—had a significant euphoria regarding various positive visions for the future. Romani had begun to be socially and politically visible, had

¹A 36-year-old man, high school education; interview: Spring 2017.

settled in parliament and had found their place in the media. Their unity was not questioned. Twenty years later we can say that the mass mobilisation expected of the Roma did not happen and has not occurred in the Czech Republic up to now' (2014: 8).

In this chapter, I use the example of the Roma in the Czech Republic to discuss some general aspects of political participation and the legitimization of power. The chapter focuses on the question of multiple responsibilities and predominantly deals with people who are 'officially' legitimised into leading positions by elections, tenders, or other public selective mechanisms but feel responsible primarily to their own families.² Although the chapter focuses on Romani families, its broader scope concerns the tension or direct conflict between family interests and public interests. The key argument is that, in contemporary democracies, the public and private, family and politics merge and intertwine, despite family and public policies being governed by different rules and moralities.

ROMANI IN THE CZECH REPUBLIC

The following specific traits are indicative of the Roma in the Czech Republic:

- Roma families belong to a sedentary population (the Vlax became sedentary by force).³ In some cities, Roma live in secluded settlements, but a considerable part of them is dispersed among the majority population.

²Conflicting responsibilities are found also within the established political system. Prato (2000), for example, addresses the conflicting responsibilities demanded by different roles in Italian politics; specifically, being, at the same time, an elected citizens' representative, a party member, and a local administrator.

³Linguistically different groups of Roma live in the Czech Republic; they also differ by social organisation, subsistence activities, and non-verbal ways of communication. This diversity is recognised by both academicians dealing with Roma and the Roma themselves. The differentiation of Roma into 'sub-ethnic' units in the academic world is based on the self-identification of the Roma. The largest group (75–85%) in the Czech Republic are the so-called Slovakian Roma-Rumungri or Servike Roma. They migrated to the Czech Lands after the Second World War. The second major 'sub-ethnic' group of the Roma are Vlax (about 10%) and the rest are Hungarian Roma, Sinti, and Czech (Moravian) Roma. The latter are the remnants Roma families predominantly nearly exterminated during the Second World War (Davidová 1995). See also: <http://www.dare-net.eu/introduction-to-roma-in-the-czech-republic>.

- Only exceptionally and only in the older generation do we encounter individuals who have never attended school. Roma usually passed either elementary or special practical schools.⁴
- Regarding the degree of quantity and quality of the acquired education and qualification, however, the Roma cannot compete with the majority population. They are frequently unemployed, poor, and a target of negative stereotypes.
- The vast majority of Roma can at least partially speak the official language. Most Roma speak better Czech than the Romani language, and there are many Roma who cannot speak Romani at all (Červenka et al. 2009). They, however, use specific ethnolects of Czech and Slovak, which can easily identify a Roma speaker.

These specific traits of the Roma significantly influence the self-reflection of the Romani communities in the Czech Republic. While experts estimate that approximately 250,000 Roma live in the Czech Republic (Nesvadbová et al. 2009; Uherek 2009; Davidová and Uherek 2014),⁵ only a few thousand people declare Roma nationality in the census. In the last census in 2011, 5,135 people declared their Roma origin.⁶ Since 1990, when Roma were recognised as a national minority, the number of people declaring themselves as Roma in the census has been declining. In contrast, the number of people considered to be of the Roma minority by experts is rising. In 1991, when for the first time the Roma were identified as a separate nationality in the census, the number of people who declared this nationality was 32,903,⁷ six times that of 2011.

In today's nation states, people may belong to a plurality of social institutions based on different organisational principles, such as family, religious groups, political parties, professional associations and NGOs. Assuming that individuals order hierarchically these institutions according to their interests and power relations, field research can help to bring out

⁴Practical schools are set up for children with reduced learning abilities or other problems that prevent them from attending elementary schools. Education in practical schools is less demanding and focuses on everyday life skills, functional literacy, and basic orientation in the contemporary world.

⁵The Office of the Government of the Czech Republic estimates the number of Roma in the Czech Republic between 100,000 and 300,000 people <https://www.vlada.cz/cz/ppov/rnm/mensiny/romska-narodnostni-mensina-16149/> Accessed 2 March 2018.

⁶Source: Czech Statistical Office.

⁷Source: Czech Statistical Office.

how they legitimise their actions and choices, for example, why in some cases power relations within the family are more important than those in the public sphere. However, the meanings involved in these processes are subjected to changes that may be influenced, more or less strongly, by political decisions and by external and internal events. The Roma case brings out a situation whereby, on the one hand, Romani social relations are primarily based on family structures determined by ascribed status—including age, sex, kinship and marriage; for them, the status related to parliamentary institutions and free competition holds little value. On the other hand, in the democratic system, they are required to create institutions based on something other than the family hierarchy. Notably, I shall argue, switching behaviour when operating in different hierarchical contexts is a subtle art that not always produces successful results.

POLITICAL MOBILISATION IN 1989

The Roma currently living in the Czech Republic are, for the most part, a migrant group that has been relocated to the Czech Lands since the Second World War, mainly from the Slovak countryside (Davidová and Uherek 2014). Although these groups recently migrated to the Czech Republic, they were not nomadic population. Already in Slovakia have largely been settled nearby Slovakian villages, earning for living as occasional workers in agriculture or by trade and sail, or by running specific “Roma” crafts. Now, they have been living in the Czech Republic for several generations. Only about 10%—the Vlax—were semi-nomadic. They became workers in industrial enterprises, construction sites, excavation works, road maintenance, and the like (Davidová 1995). Their job positions very often resembled those of foreign workers in the Western countries or, for example, migrants from the south to north in Italy (Davidová and Uherek 2014). After the collapse of communism, many of them lost their jobs, became permanently unemployed and socially marginalized.

Especially in socialist Czechoslovakia (1948–1989), a strong pressure towards assimilation was exerted on the Roma and, at the same time, procedures for their integration into majority society were created. Due to compulsory school attendance and compulsory employment, the efforts of the state to integrate Romani firmly into society enabled the emergence of a Romani middle class. Part of this new Romani élite sought rapid assimilation into the majority society, but part of it engaged in Romani minority life and the development of their own culture. In 1951, for the first time in the Czech Lands, there appeared individual efforts to create a

Romani organisation operating throughout the country (Turková 2011). These efforts gained clearer outlines in the 1960s when Nikita Khrushchev's politics led to the partial relaxation of the political climate throughout the entire socialist bloc. Influenced by the atmosphere of Prague Spring,⁸ the Union of Gypsies/Roma was established, an organisation that followed cultural, educational and political goals. The Union formed at the beginning of 1969 in the atmosphere of the national resistance against the Soviet Union and its troops that crossed the Czechoslovak frontier together with Polish, East German and Hungarian armies to occupy Czechoslovakia. The Union of Gypsy/Roma called for the recognition of Romani nationality, development of Romani culture and political participation. It predominantly addressed the better educated Romani middle strata, though less educated Romani relatives also joined and, in 1972, the Union numbered approximately 8,500 members (Nečas 1997: 84).

The initiative connected with the Prague Spring's political emancipation movement was terminated in 1973 by a new 'normalisation' political élite established after the occupation of Czechoslovakia (Pavelčíková 2004).⁹ For Roma, however, the activity in the Union of Gypsies/Roma was a significant experience. As one of the most prominent Moravian Romani politicians wrote: 'The activity of the Union of Gypsies-Roma was only a brief awakening. However, the Union has laid the foundations for perceiving our own identity' (Holomek 1999: 131).

The abolition of the Union of Gypsies/Roma in Czechoslovakia and the efforts of assimilation of the post-1968 governing bodies forced the majority of Romani representatives into political inactivity. Only one or two individuals tried to cooperate with the Czech dissent and a few organised political activities within the contemporary political establishment. However, many others, who had remained politically inactive but had experienced the rise of the Union of Gypsies/Roma, have now realised that the Roma political movement is possible and potentially effective. Already

⁸The Prague Spring was a democratisation process aimed at reducing the political dependence of Czechoslovakia on the Soviet Union and the communist bloc. It strived to establish greater cooperation with Western states and searched for ways to terminate the unfavourable economic development. The nationwide democratisation process was stopped by the occupation of Czechoslovakia in 1968.

⁹The occupation of Czechoslovakia took place in 1968, but 'normalisation' proceeded gradually and with it the liquidation of the political élite of the Prague Spring. That is why in 1969 new political groupings could have been created under the influence of the Prague Spring.

before November 1989, when the democratisation forces had begun to revive, the efforts of Romani activists to create a Romani association and consequently a political party were growing once again (Pečínka 2003). Along with Karel Holomek, who cooperated with the dissident movement *Charta 77*, the initiative involved a new generation of educated Roma—in particular the lawyer Emil Ščuka, and the promoter of Romani folklore, Jan Rusenko. Together with several other activists, they had been attempting to exert pressure on the Communist authorities since 1987 to improve the position of the Roma in Czechoslovakia, and subsequently they started to prepare a more dynamic entry into the political scene (Pečínka 2014). By 1989, their efforts had gradually grown into a political mobilisation supported by the Civic Forum, the newly emerging central political force seeking to change the regime under the leadership of Václav Havel. By 21 November 1989, four days after the brutal police attack on the students' demonstration in Prague that had launched the so-called Velvet Revolution, the prominent Romani intellectuals Emil Ščuka, Jan Rusenko and Vojtěch Žiga had already set up a preparatory committee for the establishment of a new Romani political party. On 26 November, during the first major demonstration against the Communist regime organised by the Civic Forum, they held a talk in Letná Plain¹⁰ before hundreds of thousands in attendance and millions of Czechoslovak citizens via television, together with Václav Havel and other figures symbolising the new social order (Davidová 1995; Krčík 2002; Pečínka 2003, 2014; Donnert 2017). Eva Davidová, a prominent Czech sociologist and ethnographer of Romani studies, wrote in her book *Romano Drom* [Romani Path]: 'It was a historical moment of transformation. At that time hundreds of thousands of people at Letenská pláň chanted: "Let the Roma live!"' (Davidová 1995: 219).

The newly born political party, the Romani Civic Initiative (ROI), immediately established a coalition with the Václav Havel Civic Forum and became popular even among the non-Romani population. In the early 1990s, the party had mass support; it reported up to 60,000 members and became represented in all three Czechoslovak Parliament Chambers: The Federal Assembly, the Czech National Council and the Slovak National Council. In the Czech National Council, the Roma even had five chairs. The party published its weekly newspaper, became part of International Romani Union, and had offices in all Czech and Slovak counties. As Eva

¹⁰Letná is a big plain nearby the Prague Castle, where military parades were organised during the communist regime.

Sobotka noted: ‘This electoral success, which some Romani leaders ascribed to the revolutionary euphoria, had, in their opinion, a very positive impact on Roma’ (Sobotka 2004: 6). However, the party leaders were unable to resolve constructively internal disputes. Karel Holomek, an important Romani political figure, resigned from this party’s membership and founded his own party, the Association of Romani in Moravia (Pečínka 2009).

In 1992, at the last elections before the dissolution of the Czechoslovak state, the ROI stood out as an independent political force. The party received only minor support and never entered Parliament again. For 17 more years, it stood on the outer edges of public interest until it was dissolved in 2009. At the time, there were only 100 members.

Since 1992, Romani in the Czech Republic have not been represented in parliament by their own political party. And yet, from the beginning of the 1990s, there has been a boom of registered legal Romani entities. Some had political objectives (Klímová 2002; Vermeersch 2003) and attracted a part of the ROI voters. At the beginning of the 1990s, the left-wing Democratic Romani Union was established, which was close to the Communist Party of Czechoslovakia. In 1991, following the disputes of the ROI founders as to the goals of the ROI party, the Movement of Engaged Romani started to operate on the political scene. In the same year, two new political entities were established, respectively, the Romani National Congress and the Romani Democratic Congress. The new political subjects were followed by the enormous number of newly established Romani organisations, predominantly with cultural, educational and charity programmes (Vermeersch 2003; Pečínka 2009). Most of them organised activities but soon ceased operation. In the late 1990s, the Romani political parties and civil associations tried several times to establish a platform for mutual communication and action but without significant success (Pečínka 2009).

At the beginning of 2012, another attempt was made, this time establishing a broad-based party for socially disadvantaged groups—the Party of Equal Opportunities. However, even this party, where Roma politicians allow participation to other groups, was unsuccessful. During my fieldwork in 2014, approximately 540 Romani civic associations were registered in the Czech Republic, out of which 68 were located in Prague. In 2016, one of the interviewed Romani politicians assumed, however, that only four of these associations are actually functioning in Prague, and approximately 20–25 in the Czech Republic.¹¹ He did not include pro-

¹¹ Romani politician, 70-year-old man, university educated.

Romani organisations led by non-Roma (the latter are called ‘Gaje’) because he did not consider them ‘true Romani organisations ... They help sometimes, but they cannot know what Roma really need.’

A great number of non-functioning Romani organisations are easily explained. They are often legal entities established ‘for one specific project.’ For example, a group of affiliated Roma decides to apply for financial contribution or a grant for an activity or project. They establish a civil association and, if unsuccessful in receiving financial support, they cease operation. The above-mentioned 70-year-old Roma politician explained that: ‘It was a limn on water, “we will set up an organisation, get money, live on it”, and so on’

In 2014, the new Civil Code came into force in the Czech Republic which has brought the civic associations under obligation to transform itself into a new administrative form, social clubs, within three years. As most of these Roma civic associations had not reformed into clubs, they disappeared as of 1 January 2017.

THE ROMANI POLITICAL PARTICIPATION AFTER 1992

As I mentioned earlier, since 1990, hundreds of Romani civic associations and groupings have been established in the Czech Republic. However, these are small, frequently non-profit organisations often oriented towards counselling, education, social assistance and leisure activities. Their mutual cooperation, and thus political power, is quite low (Vermeersch 2003, 2017). In a number of cases, they declare themselves Romani organisations, but their leaders rarely express an ambition to represent the Romani population as a whole. In 2005, four years before the end of the ROI, I conducted an inquiry for the PeaceCom 6FP international project and contacted 30 key figures in Romani social and political life. Some of them represented organisations that, according to their names, held apparent aspirations of spreading their initiatives over the entire Czech Republic—for example, the Roma National Parliament of the Czech Republic and the Association of Roma and National Minorities in the Czech Republic; the majority, however, declared only local and regional activity, such as the Association of Roma and Minorities in the Pilsen Region, the Roma City Council, the Roma Association of Liberec and the Roma Association of Hodonín. In all cases, the representatives of these associations agreed that they did not represent all Roma in the region and did not intend to do so. In some cases, they were willing to

speak for the Roma as a whole, but not to cooperate with all of them.¹² On the contrary, they often sought a coalition with the majority population, their aim being ‘Breaking down the barriers between the minority and majority¹³ cultures’ (RB003)¹⁴; ‘Creating a common space in which both—the Roma and the majority society—could cooperate’ (RB004)¹⁵; ‘Propagation of objective information on the Roma Community, support for Roma intelligentsia. Creating of communication and an atmosphere of cooperation’ (RB005)¹⁶; and ‘Cooperation between the Roma community and the major society. Breaking of barriers that exists between these two elements’ (RB008).¹⁷ In the speeches of individual actors, emphases have frequently been placed on the education for young people and the will to improve relations with the majority population. Although the Romani were aware of their extreme fragmentation, unifying activities were not a primary goal.

The attempts to cooperate with the majority population and the Romani dispersion of interests are not, of course, negative characteristics. Some Romani politicians expect that this is a wider trend. They believe that it is difficult to advance the principles of minority political parties in national politics because their programme is too narrowly targeted. As the director of the Museum of Romani Culture, Jana Horváthová, said in her interview for the server Romea.cz, ‘What can a party based on an ethnic principle offer to society as a whole? There is little. I believe that the big political parties will understand this, and that the path to Roma integration leads through a true involvement of the Roma into the life of society, and not by isolating them and appealing: create your own party’ (Ryšavý 2015).

Since 1990, this way to political participation has been tried by several Romani politicians. At election time, they occasionally appeared on the list of the candidates of the Green Party, the Union of Freedom, the Czech

¹² In the scope of the above-mentioned inquiry, this was, for example, a case of a representative of the Roma National Parliament in the Czech Republic.

¹³ Long-term communication of Roma and non-Roma in the Czech Republic and attempts of political correctness in labelling individual groups create a specific language. Those who are not Roma are often referred neutrally as the ‘majority’ [majorita]. For Roma, it is very often used today in the bit pejorative or slightly mocking sense the name ‘fellow citizens’ [spoluobčaně], which was once introduced as a politically correct mark with the intent to emphasise the sense of belonging.

¹⁴ Woman, 30, Chairperson of the Lache Chave organisation.

¹⁵ Man, 37, Chairperson of the Palestra organisation.

¹⁶ Woman, 26, Director of the Athinganoi organisation.

¹⁷ Man, 55, Chairman of the Romani Union.

Social Democratic Party and the Communist Party. As a rule, however, without success. At national level, Monika Horáková was the exception; she was in the Parliament from 1998 to 2002 as an MP from the then Union of Freedom party. Several Romani also worked in local councils (Pečínka 2010).

As I mentioned earlier, there are many reasons for the Romani's insufficient political participation. Besides the limited number of Romani intelligentsia, major reasons are the inactivity of Romani voters and the low support of the majority population for minority issues but also the fragmentation of the Romani political scene. Romani political activities are often accompanied by mutual unrest among Romani groups, verbal attacks, invasions, and other practices described by, for example, Pavel Pečínka in his text about the blooming and extinction of the ROI (Pečínka 2009). These practices, in turn, have led to the untrustworthiness of Romani politicians, and the greater marginalisation of the Roma as a whole.

For the purpose of this chapter, I focus on the influence of family structures and family life of Roma in the Czech Republic because these are significant issues that—among many others—influence Romani actors in the political scene and the dynamics of legitimacy in social and political relations.

ROMANI FAMILY IN THE CZECH REPUBLIC

The Romani family, especially the extended family—*famiľia* in Romani language—is, generally speaking, the most important unit of individual identification for Roma in the Czech Republic. In Romani, the word *famiľia* is usually used exclusively to designate an extended family that would include parents, grandparents, children, sisters, brothers, and their respective nuclear families that is their kindred. For Roma, identification of a family member with his/her own extended family is stronger than with broader units, such as the ethnic group, the nation, the state, or other imagined communities (Davidová 1995).

As it has been shown by numerous theoreticians, the role of the family in modern society has been weakening to such a degree that many of its functions have been replaced by other social institutions, and life strategies of the young generation considerably change (Gerson 2009). Although similar processes can be observed in the Romani communities, they are advancing more slowly due to the Roma isolation, and thus it still holds true that the extended family is the fundamental institution. Despite the

fact that Roma usually live in married or cohabitating couples as procreative units, and that relationships in nuclear families carry political relevance, until now the extended family has frequently been the most significant political unit in terms of the external environment. The extended family maintains a hierarchy built on patriarchal and gerontocratic principles, implements marriage policies, and, if the members of the extended family live together, initiates newcomers into family habits (Hübschmannová 1998). The extended family maintains family coalitions and, significantly, identifies families that are considered unclean or to be avoided.

One of the founders of Czech Romani studies, Milena Hübschmannová, has discerned many aspects of the Indian caste social organisation in the sociability of Roma in the Czech Lands and Slovakia that have been adapted to the Central European conditions (Hübschmannová 1998, 1999b). According to Milena Hübschmannová, specific relations between families in the Czech Republic very often reflect the social organisation of Romani settlements in Slovakia which, until the Second World War, were made up of related families. The social organisation of the Romani settlements in Slovakia was maintained autonomously, without a substantial influence of non-Romani institutions (Hübschmannová 1999a). Romani isolation and autonomy has probably enabled them to retain the elements of behaviour among families that evoke the ancient Indian past, including the evaluation of individual families according to their ritual purity; in turn, a person's purity derives from the kind of family she/he is born into, his/her lifestyle and diet, and so on. Communication between families of different status and levels of purity—denoted in Roma as *zhuzhe* [pure] and *degesh* [impure] (Hübschmannová 1988) or *marhime* (Heinschink and Teichmann 2002)—¹⁸ is still very difficult. Among the descendants of Roma from different villages, communication may even be difficult for other reasons. The Roma distinguish themselves according to *fajta*, vertically divided kin units, or, in other words, cognatic descent groups that, according to Hübschmannová (2002), correspond to the Indian *jati*. If the acting Roma are from the same *fajta*, the assumption of cooperation is greater. There is suspicion between members of different *fajtas*, and they often slander each other. Milena Hübschmannová described it as follows:

¹⁸The notion of purity is named and described slightly differently in individual Roma dialects, but the core of the concept is usually the same.

When two Roma meet for the first time, they introduce themselves first by identifying their place of origin and their father's family: as the son of so and so. Both together, to a great extent, are connected, because, after generations of settled Servika-Roma families were concentrated in several certain localities. The Rom's name would come at the end because a man existed and functioned, not as a separate individual, but as a member and representative of his *fajta* and his *fameliĵa*. That kind of identification has its practical reason: new acquaintances become aware of how to act: if their families are on the same "caste level", one could accept food from the other. If not, not. (Hübschmannová 2002: 1)

This explanation does not mean that between two members of the same *fajta*, there is always an atmosphere of cooperation. There can be substantial property differences between individual families, subsistence strategies and ways of negotiating. However, disagreements within a *fajta* are easier to resolve than disagreements among those who are from different *fajta* because they are conceptualised as a different kind of people.

At present, individual extended families and *fajtas* are scattered throughout Bohemia and their members and nuclear families that create them often are spatially separated. Nonetheless, interlocks, or vice versa blocks between extended families, are reproducing. The family ties are barely noticeable to an outside observer, but they play a crucial role in communication between individual Roma (Uherek 2018b). As Peter Vermeersch noted, fragmentation is one of the most prominent signs of Roma in Bohemia and Slovakia (Vermeersch 2003).

The fact that some individual families at different levels of the Roma social hierarchy communicate poorly and cannot sit at one table does not mean they are not interested in other individual families. They are part of one social system, and its stability is based on the presumption that individual actors do what is expected of them. The same applies to members of their own extended families. Roma carefully observe what their family members, as well as members of other Roma families, do. They mutually defame, envy and compete with other families. Sometimes families cooperate, but even on these occasions, the individuals generally remain locked within the family that provides them with security.

As I have mentioned, the significance of the Roma family in matters of socialisation, acculturation, and in the emotional and social lives of its members is greater than that of majority society. One reason for this is that the level of Roma involvement in any social networks outside the family is

usually low (Uherek 2007, 2010). On the other hand, the Roma are not isolated social and economic units in the Czech Republic. They are subject to Czech laws, to the national healthcare and social security systems, and their children must attend school during the years of compulsory education. They are registered, have identification documents and are frequently unemployed and the recipients of social care.¹⁹ Because some of them are labelled as socially excluded and are visited by social workers and because they usually have more children of school age than the majority population have, they are frequently in contact with the state and municipal institutions. Thus, they are firmly tied to the state, often more than the economically self-sufficient citizens who are not so dependent on state institutions.

Because of state interventions and the influence of municipalities and mass media, the Romani extended family structures are significantly affected by current global trends, behavioural patterns and lifestyles. For instance, the role of parents in the decision-making processes of their adult children is weakening as well as mutual cooperation of adult brothers and adult children and their parents. Nevertheless, extended family members frequently spend their spare time together—looking after children of their relatives, looking after grandchildren, and so on. Considering the features characterising the traditional, modern and postmodern family, Roma families show traditional principles overlapping with modern and postmodern elements. For example, many are aware of the importance of education for achieving social status and success. In today's individualist world, however, it is difficult for them to develop sufficient strategies for achieving their goals. Sometimes it is difficult for them to act as individuals—their successes and failures are the successes and failures of the family as a whole.

An extreme but illustrative example is the exam episode of two Romani brothers in the Faculty of Arts of Charles University in 2006. Two Roma students, brothers, studied in the same department and in the same course; they also came at the same time for their assessment. Both adult men came together with their father and, after a cheerful greeting, sat down in my study room. First, I had to remind them that

¹⁹The issues of unemployment in the Czech Republic were mapped and the problems related to that were identified in cooperation with the Government of the Czech Republic by the World Bank in 2008 with the help of the Center for Economic Research and Graduate Education of the Economic Institute and Charles University (CERGE) and the Institute of Ethnology of the Czech Academy of Sciences (ASCR), v.v.i. (World Bank 2008).

testing usually takes place individually. They apparently did not understand my rules; therefore, a ‘collective’ test remained the only alternative. However, here too there was a pitfall. Although I always addressed a question to a specific student, the other occasionally responded without being asked; furthermore, usually the answers were given by the two brothers together, depending on who had thought the quickest. Their father also responded, and when his sons did not know the answer, he tried to save the situation by diverting the discussion elsewhere. My attempt to distinguish the skills of the two was misunderstood. Finally, I resigned myself to the situation and gave both of them the same assessment. The family lived in a town about 100 kilometres from Prague. The father regularly took his sons to and from school by car. During the second year of their pre-graduate study, their father died and the brothers were not seen at school thereafter.

I have just described an extreme case. Since then, I have taught many Romani students and have managed to avoid such situations. However, the above episode illustrates how social relations that belong to a close environment (the family) articulate in an advanced secondary social structure (University environment), a situation that reminds instances like those described by Erving Goffman in his *Asylums* essays (Goffman 1961). The specific relationship between the family and the outside world is frequently reflected in the relationship between the Roma and the secondary institutions: acting in favour of a wider whole is perceived as meaningful only assuming that the family will benefit from this action.

ROMANI FAMILY LIFE AND POLITICAL BEHAVIOUR

As Marilyn Strathern put it: ‘Kinship appears where one can imagine—make an abstract image of—the relative of a relative, relationships between relationships. Kinship appears again where people make an imperative out of so doing’ (Strathern 2005: 8). Kinship also closely coincides with political behaviour all over the world. As early as 1940, in a major publication of political anthropology, *African Political Systems*, the editors, Meyer Fortes and Edward. E. Evans-Pritchard described two types of political systems: one based on centralised authority, administrative machinery and juridical institutions, in short, a government, and a second which lacks centralised authority (Fortes and Evans-Pritchard 1940: 5). Although kinship plays a crucial role in both systems, in the first it is subordinated to the administrative organisation, while, in the second, the kinship ties regulate political

relations (Fortes and Evans-Pritchard 1940).²⁰ These typologies, which derived from the anthropological inquiries of political systems based on family ties and of those developed in early states, produced more questions than answers. However, as it became clear, especially the pre-state family-based systems are unstable and highly flexible. Later, Edmund Leach showed that, in particular contexts, both systems could spill over into one another (Leach 1954) or, as Van Velsen (1964) and Fredrik Barth (1969) claimed, can exist in parallel, and merge.

Although present-day societies are based on state political systems, its citizens grow up in families and must first adhere to the 'family policy.' The kinship systems are encapsulated within those of the state, and present-day politicians do not deny this link. Families of politicians frequently become part of political campaigns; they become an advocate for political programmes, and husbands and wives accompany their partners to political meetings, on state visits, and stand by their partners on serious political decisions. Even in current top politics, it is sometimes difficult to determine the boundaries of family and political life. In Romani politics, the link between family and political life is even tighter. However, being closer, it is also quite different in the way traditional patterns and values are transferred from family structures into the political sphere. It is difficult, for example, for a family leader to set aside family interests in the public sector. Even more difficult is for the leader of patriarchal family to make compromises with women in the political arena, or for an older man from a gerontocratic family to bear criticism from a significantly younger person.

Romani civic associations and political parties that were established after 1989 were predominantly built upon family relations and links between cooperating families. The ROI party was an exception and for about one year served as a good example of Romani political mobilisation. ROI was an important representative of Roma, not only for the wider public but also for Roma themselves. A vision of change in life and social status managed to combine, for a short time, the interests of various groups and to unite many separate and seldom uncooperative actors. However, the unity of sharing joint common goals among the families soon disappeared. In addition to differing views on partial political questions, there were also great differences in attitudes towards the division of Czechoslovakia and a mutual inability to negotiate diverse views. The Roma have also weakened their credibility in the public eye through the

²⁰ Meyer Fortes and E.E. Evans-Pritchard speak of segmentary lineage system.

inadequate use of their parliamentary mandates. Many of them either did not work within their parliamentary clubs or only promoted issues that were in their favour. A number of Romani officials have withdrawn from working in a broad political group to work in smaller civic clusters. As Pavel Pečínka writes: ‘Instead of the expected unification of the Roma, a decomposition took place involving the caste boundaries among the most numerous Slovak Roma, the few Vlax and utterly marginal Czech and Moravian Roma, and the disputes between the extended families and individual family leaders within these three branches’ (2009: 67–68).

Jaroslav Pečínka has realistically and accurately described the situation. For politicians who are accustomed to making extended family policies, it is difficult to think in terms of ethnic or national political levels precisely because family policy requires different political strategies. Family policy is based on family uniqueness, frequently even separation, and requires strong identification with family members and the occasional linking of family-friendly clusters to joint action. The head of an extended family does not allow its generally defined whole to become compromised or subordinated. To subordinate himself to the head of another family marks his loss of authority where it is most important—in his own family. In my experience, it is sometimes easier for Roma to accept subordination to non-Roma than to Roma from another family, as the ‘Gaje’ [non-Roma] are out of their field of competition (Uherek 2018a). On the other hand, ethnic or national policy requires openness, a talent for negotiation, an ability to compromise, and the ability to subordinate one’s family’s interests to those of a higher body (Uherek 2018a).

The issue of succession is also significant. The superior position of a lineage political leader can only be replaced by someone from the family circle or by a relative close to the family. In contrast, the succession in a political party wider than the family lines usually becomes a conflict with another family, and families thus cannot cooperate. The result may be the splitting of parties or movements. Vlax Romani in the area of sub-ethnic politics are sometimes able to cooperate in their secluded political networks, to elect their own ‘kings,’ and to respect their ethical rules in broader coalitions. Rarely, however, can they practise such policies with other sub-ethnicities, especially with Rumungri or Servike, who are among the most populous Roma in the Czech Republic (Davidová 1995; Davidová and Uherek 2014). Vlax Romani consider Rumungri or Servike an inferior entity unsuitable for serious dialogue.

Communication between Roma is also complicated by their concepts of ritual purity that I have mentioned earlier (Hübschmannová 1998, 1999a, b). Non-communication for reasons of ritual purity and for perceived differences in the social status of the family cannot usually be bridged even in cases of political life. It is not possible to negotiate freely with a person of different social status, to sit with him/her at a meeting table, or to have a working lunch with them. Families of different status could, in the short term, support the same party, but could not negotiate. If the party had issues to resolve together, and not just as a cluster of people, they were overwhelmed by difficulties.

Another difficulty is that Roma can hardly imagine other non-utilitarian actions apart from acts of family hospitality. Roma families may provide a guest with food but will seldom share their work, skills, ideas, or money with the outside world except with a view of immediate profit. If someone does so, other Roma families become suspicious and usually search for a hidden motive for a seemingly selfless act, or they assume deception. This observation can be supported by several examples. In a conversation with one acquaintance in 2016, I have noted, for example, the following statement: ‘We would organise something for children—summer camp or summer school. But parents do not want it much. They mostly look at what profit you have from it.’²¹ That is also one of the reasons why the Roma activists and politicians are not supported by a wider, non-family Romani public. The assumption that Romani politicians earn money from other Roma and exploit their poor situation is widespread. On the contrary, Roma politicians and employees in public service are constantly urged, by at least a part of their families, to seek benefits for their own use. In her book on Romani politicians, Irena Kašparová expressed the opinion that Roma who remain on the political scene are usually either Roma from mixed marriages or living with a non-Romani partner (Kašparová 2014). However, I have not verified this claim.

Apart from family-related reasons, the fragmentation of the Roma movement is also caused by political views. In addition to the ROI supporting the Václav Havel’s Civic Forum, the already mentioned Roma Democratic Party was cooperating with the Communists. Gradually, the range of political interests of the Romani increased naturally and, in its political attitudes, copied the spectrum of interests of the majority population.

²¹ Interview with a 57-years-old man with basic education.

As the position of the Roma in society deteriorated, the number of left-leaning Roma grew in parallel with the growing atmosphere of nostalgia among the Romani communities for the paternalistically oriented state that existed before November 1989.

As is apparent from the work of Jaroslav Krčík, the assessment of the Romani commentators about the activities of Romani politicians in the top legislative bodies of 1990–1992 differs considerably (Krčík 2002). In any case, the Roma political movement in 1990–1992 succeeded in initiating the emergence of Roma citizens' initiatives and the non-profit sector that exists today.

The significant decline in political mobilisation and participation of Romani politicians had many causes on which the Roma community had no influence. It is beyond the task of this chapter to describe them, nor is the aim of this text to reflect upon the consequences of the ongoing processes of change in the Roma family structure that from predominantly extended is increasingly becoming nuclear. The focus of this chapter has been the relations between 'official' (state) processes and the role played by the family in legitimising Roma representatives.

CONCLUSION

In the case of Romani families, many problems with political participation are caused by a lack of experience with the public sphere. In 1989, they suddenly had the opportunity to act, not as single dispersed families, but as 'Roma,' that is, as a group defined across families and, at the same time, as a body of representative democracy. Their efforts were for a short time legitimated by the majority population as well as by Roma voters. However, as early as the 1991 census, their legitimacy to claim demands for a large 250,000 minority of Roma in the Czech Lands had declined. Following the census, less than 33,000 people had identified with this minority in the Czech Lands.²² After 1992 and the break-up of Czechoslovakia, the prestige of Romani minority in the Czech Lands continued to weaken, and the number of people declaring themselves Roma in other censuses further declined. The legitimisation of Roma politicians as representatives of a modern political nation²³ has been increasingly problematic. Few Romani

²² Source of data: Czech Statistical Office.

²³ From 1990 are the Roma officially declared to be a nation. Prior to 1990 they were predominantly referred an ethnic group, and Roma "nationality" could not be declared in the census.

politicians are geared to working in fully national (Czech) political parties and are not especially visible there. The role of the extended family in their political life has been one of the problems for many Roma and non-Roma politicians. Aware of the tension between their family and political life and of the possibility that the two may enmesh, non-Roma politicians usually separate the two with various degrees of success. In contrast, the Romani mainly frequently rely on their family experience and often bring it into the political world.

The family (lineage) political systems have been well described in segmentary societies (Easton 1959). In complex societies where the political system is controlled by the state, the relationships between family and political structures are rarely considered. The Roma case, however, exemplifies a complex society in which people operate in a system of which they little experience, therefore perform as ‘family politicians’: they are only symbolically involved in the established state structures and create inside them political systems that are closer to those of lineage systems. The political skills of these politicians do not allow them to establish stable political coalitions, negotiate stable loyalties across lineage boundaries, create situations that benefit large groups of people without prioritising their own families, and engage in voluntary non-profit activities across family lines. Political parties and civil organisations appear and disappear alongside their specific programmes, reminding us of segmentary organisations where each lineage can be viewed as an independent political system. As Balandier once observed, ‘In “segmentary” societies, the diffused political life is revealed more by situations than by political institutions’ (1972: 64).

The case of Romani politicians discussed here is specific but not unique. In democratic systems, too, politicians often legitimise the right to state power by the quality of family and family policies, and the responsibility towards their family is understood as political capital. The family contributes to legitimise the claim for state power and vice versa. More generally, dynasties of state officials, politicians and diplomats are a well-known phenomenon in countries as different as present-day United States, India, China and North Korea. Significant differences are rooted in the political culture, power relations and family policy specific to each country. It is not by chance that, in many widely different societies, the adage is often repeated that ‘the family is the foundation of the state.’

In their essay on *Disconnected Governance and the Crisis of Legitimacy*, Italo Pardo and Giuliana Prato reflect on the relationship between citizens' needs, values and expectations, on the one hand, and political responsibility and the ability of governing bodies to impose power on the other (Pardo and Prato 2011). The Roma case illustrates a diversified society with dispersed diasporas, nuclear and extended families and subcultures marked by diverse ideas on how to behave in public space. Some Roma experience a substantial gap between themselves and the governing processes and create their own governing structures aside from high politics. Others are, instead, deeply involved in the state governing structures and delegate their representatives to represent only a small segment of their diversified society.

The Roma example does not speak of a gap between governance and citizens. It speaks of a gap between a given idea of the political system and a political practice based on the transfer of values from another system. As we have seen, for example, in the traditional Roma family, the genders are not equal. The negotiation of a Romani man with a woman in the political field is therefore difficult. Equally problematic for a man, but most importantly for his family, is subordination to a woman, especially if she is younger. In the family life, there is also no equality among generations. Younger members are usually subordinate to their elders regardless of their skills, education, or abilities. So, how to behave towards young people who do not show proper respect for their elders on the political scene is of great concern. Andrzej Mirga and Nicolae Gheorghe have argued that in the Romani community, divisions have also appeared based on the aspirations of people from different generations (Mirga and Gheorghe 1998).

Political participation is, of course, a question of social experience and social learning. Where democratic mechanisms are weak, the political role of the family is strengthened and vice versa. Non-Roma society can face the same problems as the Roma described in this chapter. Using democratic mechanisms for the benefit of politicians' own relatives is another issue that only partly relates to our subject of interest—this text is not focused on intentional misuse of power and criminal deeds, but on a diversity of perceptions of power relations from the point of view of different social groupings. I have rather tried to show that both the family and political systems are, in this case, closely connected and are regarded by individual groupings in different ways.

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