

Understanding Corruption Through Eugen Ehrlich's 'Living Law': A Socio-Legal Study of Informal Practices in Post-Soviet Uzbekistan

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Abstract

This chapter focuses on Eugen Ehrlich's concept of "living law", one of the key theoretical perspectives in sociology of law. The aim of this chapter is to illustrate how the contemporary issues can be understood and analyzed by using the concept of living law. Empirically, the case study of corruption in Uzbekistan is presented and analysed through the lens of the concept of living law. The chapter concludes that the concept of living law provides useful theoretical and methodological insights for the study of contemporary socio-legal issues.

Keywords: Decriminalise, ultra-liberalisation, corruption, socio-legal research, kleptocratic.

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1. Introduction

In search for empirical clues, in April 2009 I travelled to Uzbekistan for ethnographic field research. The evening Air Baltic flight from Riga (Latvia) to Tashkent Airport (Uzbekistan's capital) took just under six hours. I arrived at the Tashkent airport in the middle of the night and checked into the Radisson Hotel. After rest and breakfast, I walked through the streets to a nearby market, Alay, to observe informal transactions on the black market for foreign currency. I was welcomed by a group of money changers who immediately approached me, offering their currency exchange services. What struck me was that there were several policemen around; none of them, however, bothered about illegal transactions on the black market, thereby de-facto 'decriminalising' the illegal practices of money changers. I have observed many similar incidents in the Ferghana valley of Uzbekistan as well where I have been conducting fieldwork since 2009. This is not unusual in the post-Soviet region, or even in the post-socialist one, and is usually used in two cases.

One is to rip off foreigners and the other, more common, is a way to compete with the official exchange rate. In Uzbekistan, but also in Turkmenistan until a few years ago, the official exchange rate was utterly theoretical, meaning that it would be impossible to exchange currency at the official rate, set by the national central bank. The significant gap between how much local money should cost and how much it costs in reality, in addition to making local prices unbelievably high, creates an opportunity for whoever is able to establish a demand-supply chain and exchange at a rate higher than the one offered in local banks. What is surprising here is that money from the black market was offered in spite of policemen widely present on the territory of the bazaar, who seemed uninterested in these kinds of illegal transactions.

This was not the only time I encountered this kind of apparent contradiction. When going to official meetings

with the administration of one of the universities in Tashkent, regular taxi services were used. Someone would call a number and the taxi would come shortly afterwards. Surprising was the situation where no taxis were available at a given moment, and I went to the street in hopes of hailing a random taxi just driving around. Not only was I able to secure a car in the space of a minute, in fact, several cars with no taxi sign on the roof stopped to offer their services. Virtually anyone with a car is a potential taxi driver. They just need to stop and negotiate a price. This ultra-liberalisation of the taxi sector did not seem to interest the traffic police or any other police, who are supposed to take care of street codes or at least take an interest in shadow transactions. Not only has working as a taxi driver become a major source of self-employment in Tashkent and beyond, what is interesting is that these drivers interact with traffic policemen, who are fully aware of their informal job. Taxi drivers were often seen shaking hands with policemen, who could sometimes stop them for breaking traffic rules but rarely, if ever, for working illegally as drivers. Drivers generate income by working informally for people who need to be driven around. Policemen generate income by fining and receiving cash, when these drivers break the street code.

These observations reminded me of the ‘living law’ of the Bukowina that Eugen Ehrlich described a century ago in his ground-breaking book ‘Fundamental Principles of the Sociology of Law’ (2002). This leads me to argue that we need to account for the “laws of everyday life” (see Figure 1 in Baier, Svensson and Nafstad 2019: 14) when examining how ordinary people and state officials act in everyday situations. In turn, the study of “laws of everyday life” directly connects us to legal pluralism scholarship which emphasizes the coexistence and clash of multiple sets of rules that mould people’s social behaviour: the law of the nation-state, indigenous customary rules, religious decrees, moral codes, and practical norms of social life (Nuijten and Anders 2007). Accordingly, despite the almost mythical coercive power of the political regime in Uzbekistan, I found that the state and its legal system have limited meaning in everyday life, and the coping strategies of ordinary citizens are mainly informal, unwritten rules. It struck me that both ordinary citizens and state officials are involved in the exchange and reciprocation of material goods, favours, money and services. Wherever I looked – at institutions such as markets, banks, maternity hospitals, traffic police– I observed the existence of a multitude of informal rules governing economic and social relations. I realised that there is a ‘living law’ in Uzbekistan that

dominates social and economic life itself even though it has not been posited in legal propositions (Ehrlich 2002).

These observations have also implications for international reports and policy documents that use informal economic practices as an indicator in assessing countries’ models of governance and levels of corruption. According to the 2018 Corruption Perceptions Index, released annually by Transparency International (TI), Uzbekistan is among the 10 most corrupt countries in the world (TI, 2017). The conclusion of international anti-corruption bodies seems clear: informal practices and transactions have come to be associated with adversity and carries with it the negative connotation of being abnormal and an exception to the rule of law (Unni, 2001; ILO, 2002; World Bank, 2012).

Anthropological studies have demonstrated the existence of local perceptions of moral codes and values of informal transactions that significantly differ from Western morality and standards (Werner, 2000; Humphrey, 2002; Polese, 2008; Urinboyev and Svensson, 2013). At a first glance, many of these transactions may come across as bribes; however, these studies show that when taking the local context and culture into consideration, these transactions may very well be considered to be morally acceptable gifts. In the context of Russia, Humphrey (2002) argues towards rethinking bribery, and Ledeneva (2009) differentiates between ‘supportive’ and ‘subversive’ functions of informal practices. Studies also discuss the ‘blurred boundary between gifts and bribes in Kazakhstan’ (Werner, 2000), illustrate the existence of local morality in Uzbekistan ‘little corruption does not hurt anyone’ (Rasanayagam, 2011), and suggest local definition of corruption in Ukraine ‘If I receive it, it is a gift, if I demand it, then it is a bribe’ (Polese, 2008). In line with the aforementioned literature, one possible inference is that international reports (which are highly Western-centric) need to be re-contextualised when talking about corruption in non-Western societies.

This chapter aims to show how living law can be used in socio-legal research through exploring the multifaceted meaning, logic and morality of corruption and bribery in the context of Uzbekistan. According to international actors such as the World Bank and Transparency International (TI), corruption is defined as: ‘the abuse of public office for private gain’ (World Bank, 2013) or ‘the abuse of entrusted power for private gain’ (TI, 2017). I argue that the aforementioned definitions of corruption

are highly Western-centric and therefore fail to reckon with the local context and needs in non-Western societies such as the Uzbek. I emphasize the need to take into consideration the critique by scholars such as Tanzi (1998) who argue that the boundary between public and private are not clear cut and even the meaning of the word ‘abuse’ varies according to local legal and cultural standards. In this paper I argue that the informality, at the higher echelons of government, is significantly different from informal practices at the level of ‘everyday citizen behaviour’. Hence, the assertions that insist only on the negative effects of informal practices seem to disregard the important distinction between the informal (predatory) practices of kleptocratic elites, which have nothing to do with ‘survival’, and the informal coping strategies of ordinary citizens and low-level state officials, wherein they have a ‘getting things done’ philosophy and reflect the everyday social norms. If this is true, there may be reasons to re-evaluate the relevance of the Western-centric interpretations of corruption and bribery in the context of non-Western societies such as Uzbekistan.

These questions will be investigated in the context of Uzbekistan. This chapter is based on extended fieldwork between 2009 and 2018 in the Ferghana region of Uzbekistan. During these fieldtrips a rich stock of ethnographic material was collected mainly through observations and informal interviews. Before moving to the ethnographic material, I will provide the theoretical framework in the next section.

Theoretical Framework: Ehrlich’s “Living Law” Concept

In this study, I draw on Eugen Ehrlich’s (2002, [first published in 1912]) concept of ‘living law’ as a theoretical framework for putting informal transactions in a socio-legal context. Eugen Ehrlich (1862-1922) was an Austrian legal scholar. Although Ehrlich wrote his book “Grundlagen einer Soziologie des Rechts” a century ago in a time of dramatic political and social turmoil in Europe, his ideas are still relevant to current academic debates. As Ziegert (2010) describes, Ehrlich’s life and work mirrors dramatic cultural and political changes in Europe in the pre-World War I period. Ehrlich was born in Czernowitz (today Cernovitsi in Ukraine), which at the time was a part of the Austro-Hungarian Empire and the capital city of the province of Bukowina. Ehrlich provides an example of the living law of Bukowina, a multicultural society where Armenians, Germans, Jews,

Russians, Romanians, Ukrainians, Slovaks, Hungarians, and Roma lived side-by-side. The normative order that Ehrlich observed in Bukowina was mostly based on informal rules, while the formal law imposed from Vienna had a limited meaning in everyday life. Thus, the experiences of multiculturalism and political instability had a great impact on Ehrlich in the development of his concept of ‘living law’.

Ehrlich (2002) presents three major concepts besides ‘living law’, namely, ‘the inner order of associations’, ‘rules of conduct’, and ‘norms for decision’. These form the basis of his concept of ‘living law’. According to Ehrlich, there are various types of and names for ‘rules of conduct’, such as rules of law, of morals, of religion, of ethical custom, of honour, of decorum, of tact, of etiquette, of fashion. These rules are an ever-present part of society and emanate from the social forces that are operative in society. Not all laws can develop into ‘rules of conduct’; only those that become part and parcel of social life do so. Laws that are effective only in very rare cases of legal controversy are a mere doctrine, norms for decision, dogma, or theory. Ehrlich calls the laws that only apply in very few cases as ‘norms for decision’, whereas he refers to ‘rules of conduct’ that guide everyday social behaviour as ‘living law.’ From this perspective, Ehrlich claims that the ‘living law’ is not directly linked to the state or its legal system but rather to the inner order of various social groups or associations. By ‘the inner order of associations’, Ehrlich means the surrounding expectations regarding people’s behavior which create a compliance with norms within a social group or association. It is not state coercion, but mainly these society’s expectations, or the inner order of associations, that makes law work and brings about social order. By making a distinction between ‘(social) associations’ and their ‘inner order’, Ehrlich asserts that there is a living law that governs everyday life, and that everyday life runs smoothly because the living law works. In this regard, Ehrlich (2002:493) states that

“the living law is the law which dominates life itself, even though it has not been posited in legal propositions. The source of our knowledge of this law is the modern legal document, secondly, direct observation of life, of commerce, of customs and usages, and of all associations, not only those that the law has recognized but also those that it has overlooked and passed by, indeed even those that it has disapproved.”

In this connection, Ehrlich alludes to the entirety of law

dominating social life as ‘living law’, whereas he refers to legal propositions as ‘juristic law.’

The central claim Ehrlich makes is that the centre of gravity of legal development, at the present as well as at any other time, lies not in legislation, nor in judicial decision, nor in juristic science, but in society itself. For Ehrlich, the state law is not the only regulator of political, social, intellectual, and economic life, and there are many other normative orders that influence social behaviour more effectively than the law. Norms for decision created by the state can be alien to the daily life of society. They often do not spread beyond court premises, and become rules of conduct only in court decisions. For Ehrlich, society consists of a multitude of (social) associations, (among which the state is one), each with its own inner order. In this context, the state is not the only association that determines the main parameters of everyday social behaviour. There are many other (social) associations (e.g., school, hospital, neighborhood community, police, social welfare agency) with their own inner order that make certain demands on individuals in exchange for what they offer; further, the social norms which dominate in these associations influence individuals’ social behaviour more forcibly than the laws of the state. From this perspective, everyday social interactions and social behaviour, whether temporary or permanent, can be sustained exclusively by living laws that are quite distinct from the state’s laws. The social order is in this sense established, maintained, and transformed via the continuous struggles and interplay between various normative orders (social, legal, religious, etc.). Thus, Ehrlich asserts that social life is primarily regulated by the ‘living law’.

Another important dimension to Ehrlich’s ‘living law’ is its approach to empirical research, or method broadly conceived. Ehrlich (2002) claims that if we want empirically study the ‘living law’, we should attentively observe everyday life, relations of domination, and people’s actual habits, and inquire into their thoughts on the opinions of relevant people in their surrounding environment and on proper social behaviour. Further, he advises that people’s feelings and reactions are instructive in for anyone dissecting the social significance of law and other social norms. Ehrlich thus stresses the importance of considering the local context and the informal normative structures when examining the (in-) effectiveness of state law

Although Ehrlich developed the ‘living law’ concept a

century ago, it has great relevance for any attempt to understand how formal and informal structures interweave in contemporary societies. Ehrlich’s concept of ‘living law’ was developed in a context comparable to contemporary conditions in Uzbekistan, since both Bukowina and Uzbekistan seem to share similar socio-political characteristics – multicultural, multi-ethnic and multi-faith societies, and the interplay of different normative orders. Hence, the ‘living law’ concept provides useful insights when trying to understand corruption in the context of Uzbekistan, where there is an interplay of different normative orders. Armed with the concept of ‘living law’, we might infer that living law guides economic transactions in both ‘state’ and ‘non-state’ arenas, and that we cannot satisfactorily explore the nuances of corruption in Uzbekistan without considering the ‘living law’ through which such transactions are carried out.

The ethnographic fieldwork I conducted in Uzbekistan can be regarded as ‘living law informed ethnography’, since I was interested in understanding the interweaving of formal and informal structures, systems of values and belief, patterns of social action and regulatory structures, with the aim of identifying the patterns of ‘living law’ in both ‘state’ and ‘non-state’ arenas. More specifically, I observed the role of state law and its interplay with unwritten rules (living law) in everyday life, and directly or indirectly in various social arenas and situations. Hence, when exploring the local meaning, logic, and morality of informal transactions, I focused on exchanges between ordinary citizens and state officials in everyday life situations. In order to ensure the anonymity of informants, their names have been changed in the empirical material which will be presented in the next sections.

Fieldwork Context: Shabboda Village in Rural Fergana, Uzbekistan

Shabboda, where I conducted my fieldwork, is a village (qishloq) in the Fergana valley of Uzbekistan and has a population of more than 18,000 people. Administratively, Shabboda comprises 28 mahalla (neighborhood community). In turn, each mahalla contains 150 to 300 immediate families (oilalar), which consist of around 20 to 30 urug’ (extended families/kinship groups). The income-generating activities of the village residents are made up of multiple sources, ranging from cucumber and grape production, remittances, raising livestock for sale as beef, and

informal trade, to construction work, daily manual labor, fruit-picking jobs and brokerage.

Guzar (village meeting spaces), masjid (mosques), choyxona (teahouses), gap (regular get-togethers) and life-cycle events are the key social and administrative spaces in which villagers meet on a daily basis and conduct the bulk of mahalla information exchange. Typically, it is possible to find at least 12–15 residents sitting in guzar, regardless of whether it is the morning, afternoon or evening. Since the guzar is a male-only place, women's socializing and information exchange activities usually take place either in the streets or inside the household. Another important social site at which all villagers come together is wedding ceremonies. In Shabboda, most weddings share similar characteristics: they are open to all residents and are attended by 400–500 guests on average. Wedding ceremonies exhibit key features of the social norms and hierarchies in Shabboda: men and women sit separately at different guest tables and 'best tables' are often reserved for people of influence, such as state officials, police, highly educated people, successful businessmen, and wealthy relatives and friends. By observing the placement and treatment of guests it is easy to compare one's social status and reputation with that of others.

Accordingly, these social spaces and rituals are key social arenas in Shabboda, in which local politics and norms are formed, negotiated and reshaped through rumors, gossip and reciprocal relations. Since mahalla residents regularly (often daily) meet at these social spaces and attend most of the socializing events together, they have a relationship of mutual dependence. These daily heavy social interactions produce a general expectation that villagers should help their family, kin or mahalla whenever they need assistance. Villagers who ignore or fail to comply with mahalla norms face social sanctions, such as gossip, ridicule, loss of respect and reputation, humiliation, and even exclusion from life-cycle rituals. Thus, money is not everything in the village: Respect, prestige, and reputation are equally important. The fact that the villagers meet one another on a daily basis and regularly interact at social events acts as a guarantee that social pressure and sanctions can be applied to an individual or his family or kinship group if they do not act fairly or do not help their neighbor or mahalla. Hence, give-and-take rituals constitute an integral part of everyday interactions in Shabboda.

Daily conversations in Shabboda mainly revolve around

economic problems, remittances, gas and electricity cuts, and life-cycle rituals. Given the existence of job opportunities and fairly good social welfare services during the Soviet times, villagers in those days felt that the state indeed existed and was present in their daily lives through generous social welfare policies. The villagers had expected things to further improve in the post-independence period as the wealth of Uzbek people would no longer be sent to Moscow but be retained locally and used for the welfare of the people. However, very few villagers reaped the rewards of independence. Instead, many households in the village are heavily reliant on migrant remittances and send their male members (husband or sons) as migrant workers to Russia and Kazakhstan. In addition to migrant remittances, villagers increasingly rely on social safety nets and mutual aid practices within their family, kinship and mahalla networks. These practices serve as a shock-absorbing institution for many villagers, enabling them to secure their basic needs and gain access to public goods, services and social protection unavailable from the state. In fact, very few wedding feasts, funerals, irrigation building, road asphaltting, medical operations or house constructions are conducted without family, kinship or mahalla support. These mutual aid practices create strong moral and affective bonds within the realm of family, kinship and mahalla life. Therefore, villagers actively engage in such mutual aid activities, since these practices enable them not only to meet their livelihood needs but also provide space for participation in everyday life and social interactions.

Through my observations of village life over the last nine years, I feel that the role and legitimacy of the state has diminished significantly. As the state in contemporary Uzbekistan no longer provides jobs and all-encompassing social welfare services, it is virtually absent in villagers' everyday lives. Many of the people I encountered in Shabboda talked about unaffordable health care costs, unemployment, inflation, and declining public services. In the villagers' view, most of these economic problems were due to widespread corruption in the higher echelons of the government. The topic of corruption was at the center of village talk, a lens through which villagers imagined the role of the state and reflected on their daily experiences with state institutions. Wherever I went and whomever I talked with, my interviewees quickly brought up the subject of corruption. Stories and anecdotes on informal transactions involving the traffic police were the most popular. Hence, I feel that petty everyday corruption was

an open secret in Shabboda, as villagers openly talked about situations in which they had given bribes to state officials.

The villagers also had their own interpretation of good and bad corruption. When they talked about corrupt state officials, they usually referred to those who used their 'oily position' to enrich themselves rather than sharing some of their wealth with mahalla and village people. If the state official stayed accountable and generous to his community, he was not seen as a corrupt official. But as soon as the officials distanced themselves from the people and showed no accountability to locals, they were perceived as the 'other' – a representative of the kleptocratic elite. This is where locals drew a boundary between good corruption and predatory practices. So, villagers knew that almost all state officials were corrupt and 'took' on a regular basis. As the state was absent in everyday life, and as its officials in charge of enforcing rule of law were themselves breaking the law, the villagers felt that they too had no moral obligation to act in accordance with state law. They were of the opinion that state officials should 'steal with a conscience' and share part of their accumulated wealth and political influence with their wider community.

The case of Ahmadboy, a village member and director of a state-owned factory, is a relevant example in this respect. Ahmadboy was one of the richest residents in the village as his family owned fancy houses, expensive cars, more than thirty hectares of land and many other properties that state officials (even high-level) could not legally afford in contemporary Uzbekistan. It was an open secret in the village that he would not be able to accumulate so much wealth without engaging in corrupt practices. But despite this, he was loved and respected by many people there. In the villagers' view, unlike many other greedy and selfish state officials, Ahmadboy was not a self-centered official, and shared his income with both his family and the wider community. This made him known locally as taqsir – a title that has historically been used to address highly respected state officials, rich people and religious leaders. When poor families could not afford an urgent medical operation or have nothing to eat during the cold winter months, rather than asking for help from the local government and social welfare office who are actually supposed to take care of such issues, they usually visited Ahmadboy's house for help. At six in the morning it was normal to see four or five people standing outside Ahmadboy's house, waiting to be invited for a reception. In other words, Ahmadboy's

house was some sort of informal social welfare agency from which needy villagers could obtain support. When I asked villagers if they considered him a corrupt official, many ironically replied,

"Tell us, who doesn't 'take' these days? Who follows the law? Ahmadboy is totally different from other state officials whose wealth is harom (unlawful in Sharia law). Of course, he steals from the state but he is a 'conscientious thief' (insofli o'g'ri) and shares his wealth with everyone in the village, therefore his earning is halol (lawful n Sharia law)".

Ahmadboy's case provides a good illustration of the existence of the alternative (to state law) informal norms and standards in Shabboda that regard illegal transactions as morally accepted and halol practice, given the state's inability to secure the basic needs of citizens. From a legal standpoint, Uzbekistan's legislation would classify most of the transactions, practices and interpretations described above as instances of corruption and illegality. However, in the eyes of the locals, Ahmadboy was a good state official according to local needs and standards.

These observations remind us of the 'living law' of the Bukowina's socio-legal context that Ehrlich described where the concept of "living law" was developed. Like Bukowina, the state law is almost non-existent in Shabboda in terms of regulating daily socio-economic relations, the everyday life in the village is instead regulated by informal norms that promote an alternative version of how people should behave. Hence, the state law (and supranational law) is in tension with the 'inner orders' (living law) of other social associations in contemporary Uzbekistan. From a legal standpoint, most of the transactions, practices and interpretations observed in the Shabboda context can be classified as instances of corruption and illegality according to the Uzbek Criminal Code. My informants were aware that Ahmadboy would not be able to build so much wealth and cater to the needs of poor families if he strictly abided by state law and relied on his official salary. Interestingly, the villagers interpreted Ahmadboy's action from a religious perspective, as evidenced by their use of religious terms. The use of halol/harom binaries was commonplace in the village, whereas only a handful of the villagers I encountered discussed corruption from the state law perspective. Although the living law described here can be interpreted as an instance of corruption according to international (Western-centric) legal definitions of corruption, it is, however, accepted within the rural

communities in Ferghana as a legitimate practice—regardless of whether the actions involved are legal or illegal. My observations enable me to argue that the behavioral instructions promoted by the living law influence social behavior and everyday life more effectively than the laws of the state.

However, the above observations should not be seen as an attempt to describe Uzbekistan as a ‘culture of corruption’. Rather, I observed that the villagers took a clear stance and showed a different attitude when discussing high-level corruption cases. Actually, from my conversations I learned that they distinguished between low-level (petty) and high-level (systemic) corruption. This was visible in the way that villagers distinguished between ‘good corruption’ and kleptocratic practices (poraho’rlik). They frequently referred to corruption scandals in the higher echelons of the government. Some of the villagers were even aware that Uzbekistan was ranked by the Transparency International as one of the most corrupt countries in the world. Referring to the fact that the state officials themselves broke the law on a daily basis, most villagers stated that they felt no moral obligation to obey the laws or report corruption cases to anti-corruption bodies. So, people’s willingness to challenge corruption was also affected by the extent to which they had confidence in the rule of law and government’s anti-corruption measures. Malfunctioning of state bureaucracy and the weak rule-of-law were thus locally perceived as the main driver of corrupt practices and behavior.

Despite the villagers’ condemnation of corruption, I observed the existence of ‘dual, conflicting morality’, through which they distinguished between low-level/petty corruption that was needed for ‘getting things done’ (ish bitirmoq), and high-level systemic corruption and kleptocratic practices (poraho’rlik) that had nothing to do with ‘survival’. The locals used various terms and categories when I asked them to describe the difference between petty corruption and high-level corruption. For example, they used the expression hursand qilmoq (making happy) or til topishmoq (finding a common language) when they talked about how they bribed the utility fee collector to avoid high electricity bills, whereas they used the term poraho’r (corrupt) when talking about their experiences with the public prosecutor’s office or judges.

My observations thus enable us to argue that corruption has different meanings and logic within different levels

and associations in society, and that there is a difference between the masses of low-level officials and the smaller group of kleptocratic officials and elites. Without making a distinction between different types and levels of corruption, we run the risk of labelling the diversity of informal, illegal practices under the rubric of corruption, regardless of their different motives and functions. Thus, I argue that classifications and typologies can provide useful points of departure and much-needed orientation in the study of complex phenomena such as corruption, which is often prone to becoming grounded in juicy stories and anecdotes.

Concluding Remarks on Corruption and Living Law

I have argued that informal or illegal practices (corruption from the state law perspective) not only mirror kleptocracy, individual greed or survival strategies, but also reflect society’s informal norms, practices and moral codes such as respect, social status, solidarity, trust and kinship norms that constitute the basic social fabric or living law of society. As such, I have challenged the usefulness of applying Western-centric definitions of corruption to socio-legal contexts such as Uzbek where informality is a way of life. Accordingly, my findings can be summarized in the following three main points.

First, the role and image of the state and its legal system need to be considered when analyzing the meaning and morality of ‘corrupt practices’ in places such as Uzbekistan where society consists of numerous social associations, the state being one of them. Hence, the state is rarely the only actor in society and faces enormous resistance from other (informal) social associations (e.g. Shabboda village case) in implementing its policies and laws. These associations interact and struggle with one another over material and non-material issues, attempting to impose their own norms and symbols on everyday social relations. As my fieldwork results show, the state has very little meaning in everyday life at the local level. When observing local-level interactions in Uzbekistan, it becomes difficult to experience the state or its laws as an coherent entity: What we confront instead is an enormous degree of informal exchange and reciprocation of money, material goods, and services that are carried out through non-codified, but socially reproduced informal rules – the living law. Hence, the value system enshrined in the Uzbek legal system has not been internalized and is external to the everyday legal order I observed in Shabboda. The more the focus moves

from Western-centric perspectives to ethnographic (contextual) analyses of everyday life and socio-economic conditions, the more discernible it becomes that informal transactions may also be driven by non-economic motivations that allow people to build personal, social and professional relations. The empirical material reveal that informal or illegal practices reflect not only kleptocracy, individual greed, economic interests or survival strategies, but also the social norms generated through kinship, social status, hierarchies, affection, and reciprocity. When these micro-level structures are perceived as corrupt and battled, the risk is that the living law of society may become weakened and distorted, which in turn can lead to social instability. Any anti-corruption strategies should be built on a deep knowledge of social norms and local context that determine the rights and wrongs of everyday social behavior.

Second, by exploring corruption through the lens of “living law” perspective and describing the everyday situations of how and why people engage in informal practices, I have further attempted to bring corruption beyond the explanations of kleptocracy, dysfunctional institutions, dishonest officials or survival. My study thus contributes additional empirical evidence to previous research, and shows that informal transactions (corruption from a legal standpoint) are means of gaining social status and reputation, a way of life, a means of socialization, creating dependencies and debts that may build a lifelong bond. As such, I challenge the usefulness of economic-based attempts or Western-centric normative approaches to combat corruption in a given context in contrast to other approaches that consider the role of living law. Some choose to engage in informal practices not only to satisfy their economic needs, but also to obtain more prestige or moral and affective support from those around them.

The intrinsic message of this study is that any measures adopted to combat corruption should go beyond a merely economic view or Western-centric explanations (the abuse of public office for private gain) and that, to convince people to act within the realms of state law, a structure replacing not only economic opportunity but also reducing the gap between state law and living law should be put into place.

Lastly, it should be noted that the concept of ‘living law’ concept can be used not only to understand corruption in Uzbek socio-legal context but can also be applied to

study various social phenomena in other social settings. Nelken (1984) suggests that Ehrlich’s ‘living law’ should not be thought suited only to settings such as Bukowina, as is commonly asserted, but instead it can be used to understand the normative pluralism inherent in different working normative orders. Thus, Ehrlich’s concept of ‘living law’ and the finding of an ‘inner order of social associations’ provides a forceful argument for socio-legal research in legally plural societies.

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