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Informal and Illicit Entrepreneurs: Fighting for a Place in the Neoliberal Economic Order

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Abstract

A panel at the 2007 meetings of the American Anthropological Association examined the working lives of illicit and informal entrepreneurs living in “the gaps” or “shadows” of neoliberal globalization. Panelists challenged dichotomies such as informal/formal and legal/illegal by examining the everyday practices of workers in diverse settings. Emphasis was placed on entrepreneurs’ efforts to legitimate their activities and identities to themselves and others.

Keywords

legality; informal economy; illicit networks; shadow economy; neoliberalism

Introduction: A Little Bit Legal, a Little Bit Illegal

“The flow of corn (over the Mexico-Guatemala border) is not really *legal* legal. But it isn’t really illegal either ... It is a bit legal, a bit illegal.” Mexican man living within a clandestine passage on the Mexico-Guatemala border.

From September 2006–2007, I lived within a three-mile clandestine border passage on the Mexico-Guatemala border. Six cross-border communities call this passage home. State agents on both sides of the border regard the passage as an illegal crossing due to the lack of state presence. In contrast, however, its residents (who are often also smugglers) refer to the passage, and the majority of commerce flowing through it, as legitimate, even *legal business* that provides much-needed local employment. By erecting their own toll-booths where they levy what they call, “taxes,” on all cross-border cargo, residents differentiate the legal, or legitimate, from the illicit in ways distinct from either nation-state. Even though the commerce flowing through this border crossing evades state inspection and documentation (thus officially rendering it contraband), border residents distinguish what they view as legitimate businesses, including cross-border trade in corn, coffee, and clothing, which are therefore taxable at their toll booth, from what they deem illicit, such as the passage of drugs, arms, and migrants. One resident summed up the local enforcement of legality, “We don’t enter [charge] those illicit things in the toll-booth.” Although previously state officials entered the passage to confiscate merchandise and extract fines or bribes, the communities in this border passage now claim to be the legitimate authorities here where “the officials no longer bother us” and “the people make the law.” To many, paying the community toll-booths and respecting the communities in the passage is tantamount to obeying the “law” and conducting “good business.” According to one border resident:

“Our community is poor, but thank God for the businessmen [smugglers] who pass through here *legally*. They pay our tolls, give work to locals to load and unload

cargo ... and eat at our houses. They give work to people here so we can feed our families.”

Local conceptualizations of legality and the economy, however, were never straightforward, as “illegal” activities would often merge with more formal economic networks further in the exchange chain. Local assessments of the legality, illicitness, or legitimacy, of certain types of smuggling also varied depending on the product, circumstance, and individuals involved. The discrepancy between state laws, abstract market logics, and formal business statutes and actual practices at the border revealed the importance of understanding how notions of legality and work emerge in everyday practices. The daily working lives of the people at the border and their impressions of what they were doing defied rigid definitions of legality and “the economy,” necessitating a more ethnographically informed approach to understand how such individuals shaped, and were shaped by, their experiences in an economy often simultaneously formal, informal, legal, and illegal.

The Politics and Shadows of Economy and Legality

“Legality and illegality are ... simultaneously black and white, and shades of gray,”
Josiah McC. Heyman 1999:11).

To explain the hazy legal situation into which my ethnography fell, I searched the literature on informal and illicit economies, but found few ethnographic studies about the people who actually participate in them. Furthermore, the literature on informal and illicit economies is often treated separately, with the former detailing the strategies of the urban poor, women, or household labor (e.g. Fernández-Kelly and García 1989; Benería and Feldman 1992; Safa 1995; Chant 1991; Fernández-Kelly and Shefner 2006), while the latter is fused with literature on criminology, law, corruption, and gangs (Lee 1999; Hagedorn 2007a, 2007b). Yet, in everyday practice, the informal and the illicit often intertwine (Toranzo Roca 1997; Hagedorn 2007a, 2007b). In particular, Hagedorn (2007a, 2007b) urges scholars to focus on the links between the informal and illicit economies. His work illustrates that in the era of neoliberal globalization¹ the connection between gangs and the growth of the underground and informal economies is no longer what was once considered the exception, but now “may be the rule” (Hagedorn 2007a, 2007b:297). Yet, policy makers and conventional studies often confuse such terms as the informal and illicit economy, often associating informality with its potential for links to crime, violence, and illegality. Furthermore, state discourses often implicitly label formal activities as licit and informal ones as illegal or illicit² without questioning such associations. However, these terms often blur in actual practice as everyday people not only attempt to make a living, but strive to justify and legitimate that living to themselves and others (see Toranzo Roca 1997; Nordstrom 2007). We must therefore better integrate studies of the formal/informal economy with those that study the production of concepts of legality and illegality. First, I begin with a brief review of the literature on the informal economy.

Scholars have examined the impact of neoliberalism on socioeconomic conditions in the “Third World,” including rising unemployment, job displacement, and an informalization of the economy (Portes et al. 1989; Portes 1994; Sassen 1996; Fernández-Kelly and Shefner 2006). Studies of the informal economy note the importance of multiple-wage strategies among households including work that crosses the formal/informal and legal/illegal sectors

¹Or what he calls late modernity (Hagedorn 2007a, 2007b).

²Van Schendel and Abraham (2005:17) distinguish the dichotomies of legal/illegal from licit/illicit by referring to the former as a political distinction and the latter as a social one. What determines legitimacy is therefore, the origin of the regulatory authority. This distinction is helpful analytically to help us understand how the same practice may be at once illegal, but locally licit or socially acceptable. However, it obscures how the illicit and illegal often blur together; in addition to how both terms are socially and morally constructed.

(Weismantel 1998; González de la Rocha 2001; Seligmann 2004; Itzigsohn 2006). Previously scholars and politicians debated if the informal economy could serve as a strategic resource for the poor. Yet under neoliberalism, many suggest that such strategies, often called, “resources of poverty,” have largely failed due to “a poverty of resources” (González de la Rocha 2001; Itzigsohn 2006:81). Those in the Marxist and neo-Marxist veins also critique the economic potential of informal activities for the marginalized, citing them as forms of subordination and exploitation (Portes et al. 1989; Bonacich and Light 1991; Fernández-Kelly 2006). Although there are still cases of grass-roots organization and cooperation, many assert that neoliberalism threatens to erode such bases due to shrinking resources, in addition to market and governing policies that prioritize individual profit and competition (González de la Rocha 2006; Itzigsohn 2006).

Most scholars of the informal economy adopt Portes (1989) and Portes’ et al. (1994) definition of the informal economy as economic activities that avoid state regulation. Centeno and Portes (2006:27) argue that “the association between the informal economy and the state is, by definition, one of inevitable conflict.” De Soto’s (1989) influential book, *The Other Path*, stimulated debate by arguing that state regulations stifle the true entrepreneurial free market spirit of the poor who rebel against a state that makes it virtually impossible to abide by the law. However, De Soto’s (1989) work draws a division between abstracted notions of the state and the informal economy, failing to examine how specific practices and sectors of the state may produce and foster the conditions of the informal economy (Fernández-Kelly 2006:3). De Soto also over-generalizes from the particular case of the Peruvian state to all state-informal economy relations (Itzigsohn 2000). Itzigsohn’s (2000) comparative study of the informal economies in the Dominican Republic and Costa Rica is a step forward in understanding the relation between the state and informal economic activities. By comparing two different nation-states, he illustrates that the relation between informal economic activities and state regulations is not necessarily antagonistic, but depends upon the specific institutional and economic context (Itzigsohn 2000). Although most scholars recognize that informal and formal activities often reinforce one another, adjoin, and that people often occupy roles in both spheres, I posit that the continuing portrayal of the state as one cohesive entity tends to obscure such interconnections and reproduce the formal/informal dichotomy.

Seemingly usurping the place of debate surrounding the role of the informal economy amidst the changes wrought by neoliberal globalization, is a more recent focus on the illicit networks such global transformations have apparently unleashed (Farer 1999; Naím 2005). Much of this literature on illicit networks emerged alongside a 21st century concern with terrorism and security. The erosion of state resources and governance, in addition to hastening and diversification of global flows of capital, goods, technology, and people, have created what some call regions of partial, graduated, or overlapping sovereignties where multiple ideas of legitimacy may reign in the gaps (Sassen 1996; Ong 1999, 2006; Comaroff and Comaroff 2006). It is often in these gaps where gangs, mafias, private armies and even communities have appropriated the means and language of the law to create alternate visions of legitimacy and morality (Nordstrom 2000; Sampson 2003; Comaroff and Comaroff 2006). Many link such developments to proliferations of violence. Despite some alarmist writings that are often devoid of context, as well as more widespread assertions that illicit networks emerge parallel/underground to the legitimate global economy (Naím 2005; Van Schendel and Abraham 2005), anthropologists have contributed to the study of illicit networks by illustrating how, in today’s global political-economy, the formal/informal, licit/illicit, legitimate/criminal often merge (Nordstrom 2000, 2007; Ferguson 2006). Scholars have revealed how the growth in gang activity and the privatization and mafiaization of violence is not inimical to, but rather accompanies and fuels neoliberalled globalization (see Comaroff and Comaroff 2006; Ferguson 2006; Hagedorn 2007a, 2007b; Sassen 2007).

The interstices between the formal/informal and licit/illicit are often referred to as “shadows” (Nordstrom 2000, 2007; Ferguson 2006), gaps, or even “trouble spots” (Sampson 2003). Nordstrom’s (2000) call to conduct “ethnography of the shadows” has led to interesting case studies (Ferguson 2006; Nordstrom 2007) that illustrate how international networks that bridge and blur the illegal/legal divide function in the global economy. However, few of these studies ethnographically detail the everyday aspects of what occurs in these shadow regions, or the perspectives of those who inhabit and work within them. Moreover, most do not question the use of the “shadow” concept, which in itself implies a moral and political lens by associating these spaces with danger and trouble without the necessary in-depth examination of what actually occurs in these spaces.

Challenging the notion of “the state” as a unitary, pre-ordained actor may help bridge the literature on informal and illicit economies. Beyond institutional theories of the state, we need to incorporate critical approaches that examine the state as a set of practices, ideologies, and technologies (see Foucault 1995; Gupta 1995; Ferguson and Gupta 2002; Sharma and Gupta 2006), to understand its complex, at times contradictory, interactions with informal/illicit entrepreneurs in specific contexts. For example, scholars often associate informal and illicit economies with “weak” states (Nordstrom 2000; Sampson 2003). However, this is not always the case. Sometimes they may strengthen certain sectors, or images, of the state. For example, Andreas (2000) in his study of smuggling on the U.S.-Mexico border, argues that, ironically, the state and the formal economy, through rigid sanctions and regulations, create the conditions of illegality and informality. Rather than actually deterring clandestine cross-border flows, which may even be profitable to certain state interests, Andreas (2000) argues that such restrictions enhance state power by instilling the public with the image of its power to determine and enforce the distinction between the legitimate and the criminal (Andreas 2000; also see Heyman 1999). Therefore, we must examine how the intersection of the formal/informal with the legal/illegal actors unfolds in specific places as it creates various opportunities for action and often violence.³

Many studies of neoliberal globalization and the informal economy portray a type of impending doom and descent into violence for the urban and rural poor. The literature on “shadow networks” and the decline of the state (in its ability to provide for its populations) also posits an impending criminalization of the political economy. However, most of these studies are largely speculative, generalized, and fail to examine what is actually happening to people in specific places. The papers in this issue therefore ethnographically examine how people inhabiting such “gaps” or “shadows” are making a living in today’s global economy. Furthermore, we examine how such actors seek to legitimate their economic practices, which often straddle the informal/formal and licit/illicit divide, in a mainstream economy that not only excludes them, but often criminalizes them. We aim to break down dichotomies of formal/informal and licit/illicit to reveal the politics of exclusion and violence that often create and maintain these categories.

AAA Panel: Informal and Illicit Entrepreneurs

Wondering if I was alone in attempting to make sense of the hazy interstices of various economic practices and notions of legality, I approached Kathleen Millar, a fellow graduate student in the anthropology department at Brown University. She had encountered similar questions in her own work, especially in attempting to understand what is often referred to as the “informal economy” and “the unemployed” in Brazil. We therefore decided to

³For example, in the spaces created between the formal/informal and legal/illegal, marginal individuals may seek a role for themselves in the economy. However, it is in these same spaces that mafia-types seeking to take advantage of the more vulnerable may situate themselves.

organize a panel for the American Anthropological Meeting in 2008 in Washington, DC, entitled, “Informal and Illicit Entrepreneurs: Fighting for a Place in the Neoliberal Economic Order.” We were both struck not only by the number of wonderful panelists who submitted abstracts and presented papers, but also by the similarity of informal and underground activities developing across the globe in reaction or relation to neoliberalism. The volume of submissions encouraged us to create a double session.⁴

In this journal issue, we include the papers by Kathleen Millar and Simeon Floyd. As a panel, we sought to understand how similar conditions of neoliberal capitalism and the growth of the informal and illicit economies led to different outcomes and strategies in different sites pursued by different actors. We realized that categorizations of formal/informal or licit/illicit work did not help us understand the activities in which our informants were engaged and how they gave meaning to their lives and work. Rather, such designations of formal/informal and licit/illicit are political and often supportive of state-centered authority, serving to predetermine the fate of our informants in the eyes of governments and policy makers without actually examining the actions, thoughts, and lives of such people. The panelists wanted to pursue a more actor-centered approach, one that sought to understand how everyday people shaped, and were shaped by, the neoliberal order beyond studies that simplistically portray them as the unemployed poor, smugglers, or mafias.

Whether they are trash pickers/recyclers, corn smugglers, or bootleg DVD makers, many of the activities in which our informants engaged shared the common ambiguity of straddling the formal/informal and legal/illegal designations that policy makers, state enforcements agents, and development practitioners seek to place them in order to control, treat, and/or govern them (Foucault 1995). How our informants navigated the formal/informal and legal/illegal impasse not only raised questions about the nature of the economy under neoliberal globalization, but also about the economic models, politics, and values that sustain it. Notions of “the economy” and legality are linked by a power politics that naturalizes relations of inclusion, exclusion, and criminalization in favor of the current system of power and profit. Yet the distribution of such ideas and profits is never even or hegemonic, as the actual local enactments of globalization may reverse, challenge, and blur these values. Our ethnographic experience thus begged us to ask: what is the difference between an entrepreneur and a smuggler; a worker and a scavenger; a consumer and a patron of the illegal economy?

Introduction to the papers: Trash-pickers and Bootleg Indigenous DVDs

The papers in this issue, in addition to those in the larger AAA panel, illustrate the multiple ways of making a meaningful living under neoliberalism. By examining specific economic flows and the working lives of individuals, the papers reveal that the neoliberal economic system is not a deterministic or amorphous entity, but rather, a set of ideas and practices

⁴The first part of the session, moderated by Lynn Stephen (University of Oregon) included the following papers and participants: David Karjanen (University of Minnesota), “Tapping the Veins of El Dorado: Heroin Economies, Trafficking, and the Acceleration of Neoliberal Capitalism;” Tobias Holzlehner (University of Alaska), “That Wicked Deal: Parallel Power, State Penetration, and Organized Crime in Contemporary Russia;” Santiago Guerra (University of Texas at Austin), “Cuando Llegaron las Drogas: Drug Trafficking and the Transformation of South Texas; my own paper, “Corn is Food not Contraband: Discourse and Practices of Legality on the Mexico-Guatemala Border;” Christina Harris (CUNY Graduate Center), “Of Permits, Parcels, and Places: Himalayan Traders and Geographic Rememberings.” The second half, moderated by Peter Schneider (Fordham University) included papers by Amy Porter* (University of Minnesota), “A Sense of Entitlement and Hopes for Enrichment: Interconnected Linkages among Cuban Entrepreneurs, the State, and the Global Economy;” Jonathan Anjaria (UCSC), “The Lived Experience of Illegality: Street vendors and the Law in Mumbai, India;” Simeon Floyd, “Digital Video Media and Autonomous Discursive Space in Indigenous Quichua Communities of Ecuador;” Kathleen Millar (Brown University), “Making Trash into Treasure: Struggles for Autonomy on a Brazilian Garbage Dump;” Daivi Rodima (Brandeis University), “Informal Economic Groups among the Kuria of Tanzania: Novel Forms of Peer Cooperation and Solidarities.”* Unfortunately, due to extenuating circumstances, Amy Porter was unable to attend the panel and meetings.

created in daily interactions that often cross the formal/informal and legal/illegal divides (see Nordstrom 2007). Here I provide a brief overview of the papers that appear in this issue.

In the first paper, Kathleen Millar notes the growth of the informal and illicit economy in the age of neoliberalism, especially in Brazil where drug lords and gangs have created alternate modes and regions of law and sovereignty (Goldstein 2003). However, rather than assume deteriorations into violence, Millar sought to understand how people chose to make a living in an atmosphere of economic crisis. Her study examines a group of trash-pickers/recyclers who call themselves “*catadores*” that informally work at a garbage dump in Rio de Janeiro. She took the “grounded perspective” to heart by conducting ethnography as she sorted through trash with her informants. The *catadores* take on the means of their productive labor by choosing to recycle trash rather than engage in the criminal or formal-sector economies. Her ethnography of the “*catadores*” restores economic agency to those who may otherwise be described as “outside the system” or unemployed. Millar stresses the need to create alternate conceptions of “class” and “work” to account for such actors who do not, in fact, reside outside the formal economy, but rather, are integral actors in the production and reproduction of the global economy as they turn “trash into treasure” (Millar 2008). The *catadores*, often marginalized from the formal-sector, illustrate how informal work is not necessarily detrimental to political and social organization, but in fact, can help generate it. Furthermore, they defy expectations of violence and competition by viewing collaboration on the dump as integral to work success. Millar illustrates how the *catadores*’ informal labor not only affects the larger economy, but also shapes, and is shaped by, their social and political lives.

The paper by Simeon Floyd takes us to the highlands of Ecuador, to indigenous peasants who now regularly watch DVDs, and increasingly, these DVDS depict people like themselves. As the digital and technological revolution spawned the bootleg market globally, indigenous peoples in Ecuador have capitalized on informal systems of exchange and pirated media technologies to establish an autonomous sphere for indigenous identity, values, and work. Floyd argues that the spread of this indigenous media redefines economic relations since this media is not only produced by indigenous peoples with indigenous themes and actors, but is also consumed by indigenous peoples. To an indigenous population long ignored by mainstream media, these DVDs depict a more authentic reality. By creating an autonomous market and forum for indigenous self-expression and valorization, this new indigenous media had the potential to rupture conventional associations between legality, the formal economy, and authenticity. Floyd further argues that, perhaps ironically, “it is the ‘illicit’ entrepreneurs that actually seem to better navigate market demands for indigenous media that the official media is uninterested in circulating” (Floyd 2008). However, judgments of authenticity and legitimacy of such media remain political, as the indigenous producers and consumers see the new media as a more authentic portrayal of Ecuadorian reality (Himpele 2007), whereas Ecuadorian elite seek to uphold the racial and class hierarchy by deriding the informally, often-illegally produced media as unauthentic, poor quality copies.

Conclusions: Unraveling the Impasse

The papers in this issue illustrate the need to rethink how we theorize the concepts of “the economy” and “legality,” thus emphasizing the importance of conducting comparative ethnography. Both “legality” and “the economy” are often conceived from a Western, state-centric perspective that implicitly links the two concepts by criminalizing and/or delegitimizing those whose economic practices do not fit into the pre-existing, “legal” categories. The papers demonstrate that notions of “the economy” and “legality” are

political and shifting as they are created, reproduced, and challenged in daily interactions. We therefore do not assume “the economy” and “the law” to be single entities to be taken at face value, as to do so, would exclude and pre-judge a growing amount of people in the world. Moreover, it would misrepresent the variety of global economic and governing practices that often garner more local legitimacy than state-sanctioned ones. Comparative ethnography leads us to caution against generalized assumptions of descents into violence or celebrations of abstract notions of global flows. Globalization is not homogeneous, as global phenomena are always experienced, interpreted, and reworked locally (see Goodale and Merry 2007). Perhaps the formal/informal and legal/illegal impasses are not impasses at all, but rather fruitful sites to study the realities of economies and legalities today, and how everyday people make sense of them to themselves and others.

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