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Urinboyev, Rustamjon; Svensson, Måns

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LUND UNIVERSITY

PO Box 117  
221 00 Lund  
+46 46-222 00 00



## Rethinking Corruption in Post-Soviet Uzbekistan: Ethnography of “Living Law”

Rustamjon URINBOYEV and Måns SVENSSON

### Introduction

During the first period of ethnographic fieldwork in *Shabboda*<sup>1</sup> – a village located in rural Ferghana in Uzbekistan, we attended a *nikoh toi* (wedding ceremony) arranged by a local farmer. The *nikoh toi* starts at five o'clock in the morning with *nahor oshi* (a morning pilaf<sup>2</sup> feast) at the groom's house. Joyful sounds of *karnay* and *surmay* (traditional Uzbek musical instruments) can be heard from far away and signal to the whole *mahalla* (local community) that the wedding ceremony has begun. On the threshold of the house, the head of the family himself greets each guest on arrival with a handshake or embrace, after which the guests are politely offered seats at the guest tables. Each guest gives *toyana* (gifts such as carpets or cash) while shaking hands with the head of the family. The singer entertains the party with Uzbek classical songs while the guests enjoy what is spread before them: bread, different candies, fruits, nuts, platters of *pilaf*, pots of tea, locally produced beverages, and a bottle of vodka. Guests leave the tables as soon as they have finished their *pilaf*, and the tables are hurriedly cleaned up to welcome new arrivals. We sit at a nicely decorated table with the *oqsoqol* (informal leader of the *mahalla*) and *mahalla* residents, eating *pilaf* and talking about the role and importance of weddings in the lives of Uzbeks. Spontaneously, the *oqsoqol* begins to tell an anecdote related to weddings:

“There is an anecdote widely circulated in Uzbek society. Three men – an American, a Japanese, and an Uzbek – meet in a restaurant for dinner. After some drinks, they all start boasting about their countries and cultures. The American says arrogantly that life in the United States is very good; every month, he earns \$10,000 and can buy a new car each month. The Japanese man laughs sarcastically and says that the United States is nothing compared to Japan's hi-tech society where robots

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<sup>1</sup> The name of the village has been changed to protect the anonymity of informants.

<sup>2</sup> Pilaf is a festive Uzbek rice.

carry out all tasks. He adds that he earns \$15,000 a month and has a robot at home that does all the housework. When it is the Uzbek's turn to describe his country, he modestly says that the majority of people in Uzbekistan earn \$200 a month, but can spend more than \$10,000 a month. The Uzbek man also adds that even poor people in Uzbekistan are able to invite up to 1,000 guests to their weddings, while in the United States and Japan, only rich people can afford such events. These statements leave both the American and the Japanese wondering how Uzbeks can spend more than they earn, and have such expensive weddings when the average monthly salary does not exceed \$200.”

The last phrase was accompanied by loud laughter and nodding, showing mahalla residents' awareness of the ‘making-ends meet’ philosophy slyly hinted at in the anecdote. The anecdote, true or not, indicates that there is a plethora of ‘hidden’ informal transactions in Uzbek society that are widespread but mystifying to outsiders. There are different versions of this anecdote, but they all give us a clue to the existence of informal rules and practices (living law) in Uzbekistan that dominate everyday life and help individuals ‘get things done.’ The anecdote also chimes with the central view of international reports and policy documents that characterize Uzbekistan as one of the most corrupt countries in the world. According to the 2012 Corruption Perceptions Index, released annually by Transparency International (TI 2012), Uzbekistan is among the ten most corrupt countries in the world. Much of the scholarly literature too, especially anthropological accounts, demonstrates that the laws and symbols of the state are virtually absent from everyday life, while ‘informality’ is an omnipresent phenomenon in both ‘state’ and ‘non-state’ arenas<sup>3</sup>. The anecdote thus begs the questions whether there is a ‘living law’ in Uzbekistan, and if so, how it works, how it can be studied empirically, and what implications it has for understanding corruption in the local context. What are the relations between formal and informal structures with regard to corruption in Uzbekistan? In which ways do these relations manifest themselves in everyday life? This study seeks to address these questions.

Our paper aims to explore the multifaceted meaning, logic, and morality of informal transactions, in order to better understand the social context that informs the meaning of corruption and bribery in Uzbekistan. We accept and use the working definition of corruption presented by Transparency

<sup>3</sup> See e.g. Wegerich 2006; Ilkhamov 2007; Kandiyoti 2007; Trevisani 2007; Markowitz 2008; Rasanayagam 2011.

## Methodology

International (TI): “corruption is the abuse of entrusted power for private gain.” However, when applying this concept, we question the validity of the Western-centric interpretations of the definition, hereinafter ‘Western-centric interpretations’, (e.g. Becker 2004; Kaufmann *et al.* 2004; TI 2012; World Bank 2012), and emphasize the need to take into consideration critiques from scholars such as Tanzi (1998, 8-10), who notes that the meaning of the word ‘abuse’ varies according to local legal and cultural standards (see also Gupta 1995; Werner 2000; Humphrey 2002; Polese 2008). To use this definition correctly, we argue the necessity to consider local context, and thereby aim to provide additional tools for interpreting the definition of corruption through the concept of ‘living law’. In this study we argue that Western-centric interpretations cannot satisfactorily explain the nuances of corruption in Uzbekistan, and that there is a need to consider the ‘living law’ of everyday life through which informal transactions are carried out. A theoretically-founded hypothesis is that informal transactions in Uzbek society reflect different cultural and functional meanings to a greater degree than in most of the Western world. The more the focus moves from Western-centric interpretations to ethnographic (contextual) analyses of everyday life and socio-economic conditions, the more it becomes discernible that the bulk of informal transactions in Uzbek society are simply manifestations of coping (survival) strategies, deeply embedded social norms, and traditions. Hence we argue that there is a need to make a distinction between the informal practices of kleptocratic elites, which have nothing to do with ‘survival’, and the informal coping strategies of ordinary citizens and low-level officials (i.e. ‘the corruption of the weak’). If this is true, there may be reasons to re-evaluate the relevance of international legal definitions of corruption and bribery in the context of Uzbekistan, and possibly in that of other Central Asian countries too.

## Methodology

This paper is based on three periods of field research carried out between 2009 and 2012 in the Ferghana Province of Uzbekistan. The first field research was conducted during April-May 2009, the second lasted for three months between June-August 2010, and the last was undertaken during June-July 2012. The field site was chosen on the basis of contacts and social networks available to the authors. The first author, being native Uzbek,

had the advantage of knowing the language and possessing a pre-existing understanding of local conditions, whereas the second author, being from Sweden (non-native), added an external perspective to the study. Both authors arrived in Uzbekistan for the first period in 2009 and stayed in the field site together. The first author was alone for the second and third field trips in 2010 and 2012. We used participant observation and informal interviews as our data collection strategy.

During the field research we observed eight wedding ceremonies that were hosted and attended by different social groups ranging from local elites to ordinary farm workers. Our observations frequently took the form of informal chats and conversations that arose on the spur of the moment. The weddings took place in the Fergana region of Uzbekistan, during April 2009 – July 2012. Apart from observing weddings, during the second and third field trips we conducted two informal interviews with a traffic policeman and a minibus driver. These key informants were selected on the basis of their daily involvement with the law and/or state officials, their knowledge, their willingness to talk, and their communicability. These interviews were more free-flowing, and focused on such questions as the role of law in everyday life, people’s perceptions of bribery, local definitions and interpretations of the ‘licit’ and ‘illicit’, everyday coping strategies, values and moral obligations, and the perceived role of the state in everyday life. Questions were mainly used as a guide and were adapted according to the pace of the interview. The interviews lasted from 45 minutes to two hours.

The rest of the chapter is organized in the following manner: The next section, part two, focuses on previous research that situates this study within ‘corruption’ research and presents an analytical framework for understanding our perspective on corruption. Part three provides the theoretical framework of the study by using Eugen Ehrlich’s concept of ‘living law.’ It will be argued that Ehrlich’s theory of ‘living law’ was informed by the clashes and interactions of the different legal cultures he experienced in Bukowina, and that his theory remains a useful tool for studying corruption in social settings such as Uzbekistan, where society is mostly based on informal economy, kinship, neighbourhood ties, and patron-client networks. In part four, we present the results of our ethnographic fieldwork conducted between 2009-2012 in rural Ferghana, Uzbekistan, in which we explore the ‘living law’ in ‘state’ and ‘non-state’ arenas with reference to ethnographic data on wedding ceremonies, two informal interviews, and

## Previous research

our participant observation. Finally, part five draws out the implications of the ethnographic material for Western-centric interpretations, and highlights the most important findings of the study.

### Previous research

Corruption has become, without any doubt, a fashionable research topic in the literature on post-Soviet societies<sup>4</sup>. Much of the scholarly literature concerning it focuses on the ‘economy of favours’ that became a popular term for conceptualizing a wide range of illicit practices such as bribery, kick-backs, nepotism, patronage, cronyism, and so forth. As Humphrey (2012, 23) describes, one idea common to this entire body of literature is that these informal ways of conducting economic activity are carried out through “personal connections” that somehow naturally give rise to favours. However, Humphrey (2012) in her recent anthropological work shows how the ‘economy of favours’ may also manifest cultural and moral values, and suggests that favours can also be understood as ways of enabling actors to enhance a sense of self-worth within relevant social circles, and as sources of esteem for ordinary people in social settings such as Russia and Mongolia. Humphrey’s work thus leads to the view that economic transactions may reflect different cultural and functional meanings depending on the local context.

A ‘diverse economies’ perspective developed by Gibson-Graham and her collective (The Community Economies Collective 2001; Gibson-Graham 2006, 2008) has been influential in promoting the understanding of the multifarious nature of economic activities. The central claim Gibson-Graham make is that many studies addressing informal economy and corruption issues tend to disregard the heterogeneity of informal activities (in all their diversity) undertaken in different parts of the world. They have demonstrated that monetary transactions do not necessarily include or explain economic activity. Other studies also similarly concluded that the meaning of goods and money is significantly determined by local cul-

<sup>4</sup> E.g. Gleason 1995; Holmes 1997; Ledeneva 1998, 2009; Kurkchiyan 2000; Mandel and Humphrey 2002; Ries 2002; Humphrey and Sneath 2004; Ilkhamov 2004, 2007; Knack 2006; Trevisani 2007; Humphrey 2012. Corruption was also a central topic in the literature about the Soviet Union (Simis 1982; Critchlow 1988; Srubar 1991; Zemtsov 1991; Staples 1993).

ture, political use, and context (Parry and Bloch 1989; Thomas 1991). For example, in African societies, monetary exchanges may just be the modern equivalent of gift exchanges. Therefore corruption in Africa has been seen by some social scientists as a mere infusion of a culture of traditional gift-giving into the bureaucracy (Harrison, 1999; Hydén 2006). In the context of India, Akhil Gupta (1995 cited in Polese 2008) has shown that the ‘practice’ of bribe-giving is not simply an economic transaction, but a cultural practice that requires a great degree of performative competence. One possible inference from these studies is that Western-centric interpretations need to be re-contextualized when talking about corruption in non-Western societies.

Many of these insights have been confirmed in analysis of post-Soviet societies. Anthropological studies have demonstrated the existence of local perceptions of moral codes and values present in informal transactions that significantly differ from Western morality and standards<sup>5</sup>. This literature is based upon a theoretical understanding of money, gifts, and the morality of exchange (Mauss 1924; Parry and Bloch 1989; Thomas 1991), as well as on empirical studies concerned with different kinds of transactions between citizens and state officials. At first glance, many of these transactions may look like bribes; however, the research shows that if the cultural context is taken into consideration, these transactions may well be considered to be morally acceptable gifts. Caroline Humphrey (2002) conveys the multifaceted morality of various illegal transactions by means of numerous examples of customs and police officers involved in dubious transactions. This leads her to argue for rethinking bribery in some spheres in Russia. In the context of Russia, Ledeneva (2009) has also showed that there is a need to differentiate between ‘supportive’ and ‘subversive’ functions of informal practices: from sociability, safety nets, survival kits, and forms of social capital to means of access, diversion of resources, bridging formal organisations, and subverting formal procedures. Similar patterns have been observed in other post-Soviet states as well (e.g. Werner 2000; Polese 2008; Rasanayagam 2011).

Despite the great diversity of scholarly explanations for, and approaches to, the nature and causes of corruption in post-Soviet societies, one question

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<sup>5</sup> E.g. Abramson 2000; Werner 2000; Kurkchiyan 2000; Humphrey 2002, 2012; Wanner 2005; Sneath 2006; Markowitz 2008; Polese 2008; Ledeneva 2009; Rasanayagam 2011; Urinboyev 2011; Urinboyev and Svensson 2013.



### Theoretical framework – Ehrlich’s ‘living law’

commonly raised is whether there is a need to re-evaluate Western-centric interpretations when talking about (or measuring) corruption in post-Soviet societies. In this chapter, we acknowledge the scholarly context described above; however, our aim is not to offer a new definition of ‘corruption’, nor to establish a strict boundary between licit (legal) and illicit (illegal) practices. Instead, utilizing the concept of ‘living law’, we aim to provide additional tools for re-contextualizing corruption, thereby demonstrating the importance of local perceptions, social norms, and moral codes (living law) to better understand *what makes a practice corrupt or illegal*. This task, in turn, requires the creation of a suitable theoretical framework. For this reason, in the next section we will draw on Eugen Ehrlich’s concept of ‘living law’ to build a theoretical framework.

There is another scientific field of importance to our study that has to do with the specific choice of weddings as the social arena that we focus on in our empirical studies. Weddings are considered to be very much concerned with money and gift exchange and therefore of great interest when understanding different aspects of socio-economic structures<sup>6</sup>. We will elaborate on this literature in the analysis section.

### Theoretical framework – Ehrlich’s ‘living law’

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 evidenced by a growing body of literature focusing on ‘living law’<sup>7</sup>. As Ziegert (2002) 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, Ruthenians, Ukrainians, Slovaks, Hungarians,

<sup>6</sup> E.g. Mauss 1924; Barnett 1938; Bates 1974; Annaklychev 1984; Borozna 1984; Peters 1990; White 1994; Mundy 1995; Kandiyoti 1998; Yalçin-Heckmann 2001; Agadjanian and Makarova 2003; Kandiyoti and Azimova 2004.

<sup>7</sup> E.g. O’Day, 1966; Nelken, 1984, 2008; Teubner, 1997; Hertogh, 2009; Larsson, 2013; Svensson, 2013; Urinboyev, 2013.

and Gypsies lived side-by-side (Eppinger, 2009, 28; Ehrlich 1912/1967, 43). The normative order that Ehrlich observed in Bukowina was mostly based on informal rules, while the law imposed from Vienna had a limited meaning in everyday life. As Deflem (2008, 90) notes, the experiences of multiculturalism and political instability had a great impact on Ehrlich in the development of his concept of ‘living law’.

Ehrlich (2002)<sup>8</sup> 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 society’s reflexive web of expectations that give power and meaning to norms. It is not state coercion, but mainly society’s reflexive web of 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,

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<sup>8</sup> Unless otherwise indicated, all references to Ehrlich in this paper refer to Ehrlich (2002).

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 (2002, Foreword) makes is that "At the present as well as at any other time, the center of gravity of legal development lies not in legislation, nor in juristic science, nor in judicial decision, but in society itself." For Ehrlich, the 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 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. As a result, it is possible that an individual will conduct himself according to the law only if it is made imperative by his social relations and associations. 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 to reify 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. This is in line with legal

ethnography: Geertz (1973) considers the contextualization of phenomena to be the very essence of ethnographic research.

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. Nelken (1984) suggests that Ehrlich’s ‘living law’ should be considered suited not only to settings such as Bukowina, as is commonly asserted, but also useful for understanding the normative pluralism inherent in other working normative orders. Ehrlich’s concept of ‘living law’ was developed in a context comparable to contemporary conditions in Central Asia, since both Bukowina and Central Asian countries seem to share similar socio-political characteristics – multiculturalism, multi-ethnic and multi-faith societies, and the clash of different normative orders. Hence, the ‘living law’ concept provides useful insights when trying to understand corruption in the context of post-Soviet Central Asia, 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 we conducted in Uzbekistan can be regarded as ‘living law informed ethnography’, since we were 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, we 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. We observed, for example, how traffic police enforce traffic rules, and to what extent people conform to state law when dealing with state officials. Hence, when exploring the local meaning, logic, and morality of informal transactions, we focused on exchanges between ordinary citizens in wedding ceremonies and informal transactions between citizens and state officials in cases involving traffic violations. The reason for this focus is that these are the two arenas that may inform us how informal regulatory (normative) structures interact and clash with state law. The results of the ethnographic fieldwork will be presented in the next sections.

### **Living law in 'non-state' arenas**

We used the case of wedding ceremonies to illustrate the social meaning and morality of informal transactions in Uzbekistan. The choice of wedding ceremonies for collecting empirical data is based on three main arguments. First, wedding ceremonies embody authentic features of Uzbek culture: traditions, values, collectivism, age and gender hierarchies, social networks and kinship relations, the central role of the *mahalla* (a residential neighbourhood institution), and power and status-based relations. After independence, weddings became central occasions where the return to authentic Uzbek forms was clearly in evidence (Kandiyoti and Azimova, 2004). Second, the arrangement of a marriage in Uzbekistan is a lengthy and costly process involving a complex traditional exchange of gifts and money between the in-laws. Money and gifts are conspicuous features of both the marriage negotiations and the wedding ceremony. Weddings thus display multivocality in the meaning of money and gift exchanges and exhibit a culture of money. Third, the wedding ceremony is the concern of the whole community, as it is arranged with support and resources from the local society and thereby reflects the status and social position of the families that are to be united. In this regard, the wedding involves both formal and informal aspects of the local community in gathering the necessary resources. Weddings are thus arenas where we can find the 'living law' of everyday life.

### **The entanglement of economy, morality, and materiality: wedding ceremonies in rural Ferghana**

Amongst numerous life-cycle rituals, *nikoh toi* (the wedding ceremony) is the most central ceremony in rural Fergana. The *nikoh toi* is often held inside the host family's home. All *mahalla* (local community) residents, relatives, classmates, colleagues, and friends are invited to the wedding ceremony. A *nikoh toi* is on average attended by approximately 200-500 guests, men and women sitting separately at different guest tables. The *nikoh toi* also fulfils a redistributive and risk-reducing function in rural Fergana: it is the social norm that tells each wedding guest to contribute to the wedding with money, gifts, or labour. Thus, by arranging or attending a *nikoh toi*, a household broadens its social networks and engages in reciprocal transac-

tions, since the wedding involves a great deal of exchange and reciprocation of money and material goods within networks of kin and friendship. Consequently, such high levels of transactions during weddings enact the ties of obligations and expectations within kinship and friendship networks, blending the moral aspects of social relations with their material aspects.

The *nikoh toi* starts at five in the morning with the male-only event, *nahor oshi* (morning *pilaf* feast), at the groom’s house. An identical *nahor oshi* is arranged at the bride’s house. According to the social norms, upon arrival, each guest should give *toyana* (gifts such as carpets or cash) while shaking hands with the head of the family. The *nikoh toi* also illustrates the hierarchical nature of social relations in rural Ferghana, as guests are offered seats based on their socio-economic status and political influence. The best tables are often reserved for the ‘people of influence’, such as local government officials, police, highly educated people, successful businessmen, and wealthy relatives and friends. The presence of people of influence at the wedding sends an important signal to the *mahalla* that the wedding host is well-connected. Guests with lower socio-economic status are directed to more modest tables.

After the *nahor oshi*, the groom brings the bride from her house to the central mosque for a religious ritual. By tradition, during this ceremony the bride does not initially give her consent to the marriage; the groom therefore then pays some money to the bride’s family to gain her consent. Money does not fulfil an economic purpose in this case, but is a ritual payment for the bride’s consent.

The bride’s arrival in the groom’s house is the high point of the wedding party, when she is welcomed with joyful traditional Uzbek songs, and showered with sweets. The main wedding party begins with a *kelin salom* (bride’s greeting) ceremony to welcome the bride into the groom’s family. In this ceremony, the bride bows to greet everyone, from the groom’s parents to neighbours. There is a special Uzbek song for this ceremony in which the singer states the names and type of people to whom the bride should bow. The people who are greeted by the bride are expected to come up to the front and give her money; in this way, the bride receives money every time she greets a guest, or her husband’s relatives and friends. Since brides cannot afford to buy new wedding gowns in rural Fergana, they usually hire one from local shops. The money generated from the *kelin salom* ceremony is used to pay for this.

Shortly after the *kelin salom* ceremony, the wedding party continues with very fast Uzbek songs. Traditionally, the *ortakash* (announcer), equipped with a microphone, invites guests individually or in small groups to the front dancing area to give a short speech in honour of the occasion and instructs them to dance to a song played by the *ashulachi* (the singer and musicians). The general audience listens to the speeches and continues to enjoy appetizers and vodka. Although most of the speeches are not listened to attentively, the general audience takes part in the activities by giving money to dancing guests. The custom is that wedding guests give money to those who get up to make a speech and dance to the songs played by *ashulachi*. Other guests come up to the dancers and give them money. This tradition is called *pul qistirish* (giving money). The visibility of the money during the wedding dance is striking; everybody, from children to old people, dances with money in their hands. The amount of money that guests give depends on the age, social status, and occupation of the person dancing. By giving money, someone can express their respect and loyalty to the person who is dancing. If this person is the groom's father, or a local government employee, or a wealthy man, a large number of guests approach him and give money. In such cases, it is possible to see a crowd of people lined up to do this. This is the most central part of the wedding, in which it can be seen how social status and reputation are translated into hard cash. After observing this, it is very easy to compare one person's social status and reputation with that of others. All the money accumulated during the dancing is given to the singer and musicians as payment for their efforts.

The wedding ends with a women-only ceremony called the *yuz ochdi* (unveiling of the bride). During this ceremony, the bride usually wears a white handkerchief to cover her face, until the groom's nephew removes it. Women sing traditional songs, and the groom's family and neighbours give gifts to the bride. Shortly after this ceremony the bride is taken by a *yanga* (female relative of the bride) to the room intended for the young couple, where the bride gets ready to meet the groom. A few hours later, the groom accompanied by his best man appears at the threshold of the room, where the bride is waiting for him. To be allowed access to the bride's room, the groom symbolically bargains for and buys the bride from the *yanga*, and then the *yanga* leaves the young couple alone for the night.

### Analysing wedding transactions

Our fieldwork in rural Fergana shows that the practice of giving and taking gifts and money has turned into an institutionalised practice in which economic and social life are permeated by large numbers of informal transactions. Kinship and friendship networks are increasingly mobilized and tied to one another through the exchange and reciprocation of money, material goods, and services. Such aspects of weddings have been widely discussed in the anthropological, theoretical, and ethnographic literature in relation, for example, to Africa, the Middle East, and the Caucasus (Bates 1974; Peters 1990; Mundy 1995; Yalçın-Heckmann 2001), and also in that of Soviet and Western ethnographers in relation to Central Asian societies (Annaklychev 1984; Borozna 1984; Werner 1997; Kandiyoti and Azimova 2004).

The *nikoh toy* provides numerous ritualistic symbols through which individuals and groups can display their social status and power and shape their relations with one another. The public acceptance of social hierarchies, status contestations, and gender divisions becomes clearly articulated in *nikoh toy*. Men and women sit separately at different tables during the wedding. Status contestations and social hierarchies are even reflected in the placement of guests: people of influence are seated at the best tables and served more quickly than others. If an influential person dances during the wedding party, one can observe a crowd hurriedly lining up to give money to them. Few people, however will give money to a dancer who does not belong to the category of people of influence. This is the most central aspect of the wedding, showing the importance of money as a means to display one's social status and prestige. Thus, wedding transactions have non-commercial value and are increasingly geared to displaying one's social status and power. Such features of wedding transactions represent what Gibson-Graham (1996) describe as noncapitalist economic forms.

Although it is always risky to draw parallels between different social contexts, the social hierarchies and gift exchanges that are omnipresent in Uzbek weddings could be comparable to the North West American *potlatch*<sup>9</sup> ceremony in which hierarchical relations within and between clans and villages are created and strengthened through gift exchanges, dance performances, and other ceremonies (see e.g. Mauss, 1924; Barnett, 1938;

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<sup>9</sup> *Potlatch* is a gift-giving ceremony and informal economic activity practiced by indigenous peoples of the Pacific Northwest Coast of Canada and the United States.



Piddocke, 1965). There are many forms of *potlatch*, such as celebrations of births, rites of passages, weddings, and funerals. It usually involves a feast with music, dance, and spiritual ceremonies. According to *potlatch* culture, each gift is part of a system of reciprocity in which the honour of giver and recipient are engaged; hence gifts are distributed according to the rank of the receiver. The donor, by offering gifts selectively, expresses the esteem in which he holds one recipient compared to another.

The nature of wedding transactions in rural Fergana is consistent with the concept of gift exchange proposed by Marcel Mauss (1924). For Mauss, a distinctive aspect of a gift exchange is that it engages the person in three main obligations: the obligation to give, to receive, and to reciprocate, thereby ensuring communication and establishing a high level of social interaction between individuals. After attending several weddings in rural Fergana we realised that money and gift exchanges are an essential part of social interactions. Even though weddings involve non-commercial practices such as appreciative gift-giving and the fulfilment of moral obligations to help family and friends, it seems that the moral aspects of social relations are blended with their material aspects. Consequently the socialization of individuals in rural Fergana largely takes place in an extremely monetized social environment, where individuals are bound to one another through the amount and type of (cash) gifts they exchange. This observation is similar to Werner's (1997) description of wedding ceremonies in post-Soviet Kazakhstan. As Werner shows, despite the post-Soviet economic collapse, many Kazakhs continue to expend a large amount of financial and labour resources on life-cycle rituals, because they provided a means for social networking and redistributive activities.

Weddings display multivocality in the meaning of money and gift exchanges. The major item on display during the *kelin salom* and wedding dance was – money. Payments made to the bride's family during the religious ritual reveal that the meaning of a monetary transaction is deeply embedded in the cultural practices. The conspicuous presence of money during the wedding dance is to do with fulfilling a ritual role, and serves to enhance the reputation of both the money-giver and the recipient. The visibility of money during the wedding dance shows the deep embeddedness of money in local culture and traditions. From this perspective, the use of money and the morality of exchanges that we observed during weddings are consistent with Parry and Bloch (1989) who argue that the meaning of

goods and money is significantly determined by local culture, political use, and context.

As the example of the *nikoh toy* shows, money is not simply a commodity or an economic phenomenon but also plays a very important cultural role in Uzbekistan: it acts as a glue in social interactions and solidarity, a means of carrying out traditions, a part of a traditional dance a way of paying respect, and much more. Since people dance holding money, the *kelin salom* generates money, hands are shaken with money, and respect is translated into hard cash, money has turned into a social phenomenon: a culture of money. When considering how money and gifts play such a central role in the performance of rituals, it is safe to say that there are informal structures which assign ceremonial and cultural meaning to informal transactions. These findings suggest that there is a need to re-contextualize Western-centric interpretations in such social settings as Uzbekistan, where the relationship between economy, morality, and materiality are intertwined.

### Living Law in ‘State’ Arenas

In this section we present the results of two informal interviews which demonstrate the multifaceted meaning, changing morality and logic of bribery in Uzbekistan. The interviews address informal transactions between traffic police and citizens and thereby exemplify the omnipotence of ‘living law’ in state arenas. The interviews were conducted during the second (June-August 2010) and third field trips (June-July 2012). The interviews involve the following two actors and issues: (1) the ‘survival techniques’ of traffic police; and (2) the coping strategies of a minibus driver in dealing with traffic police. Our interview material is thus largely derived from the accounts of two key informants, but in order to enhance the reliability of the data we have cross-checked our findings through informal interviews with other informants. Due to the informants’ concerns about safety and confidentiality, we neither took notes nor recorded the interviews. Instead, immediately following an interview, we wrote down our recollections of the substance of what the informants had said. To protect the anonymity of our informants, their names have been changed.

The first interview is centred around *Dilshod*, a traffic policeman in Ferghana province, and the second focuses on *Zokir*, a minibus driver who drives between Oltiariq and Ferghana city on a daily basis. In the follow-

### ‘Survival strategies’ of the traffic policeman

ing sections, *Dilshod*, and *Zokir* speak in the first person, and the authors’ comments are only provided to explain and analyze the context. The sections that are direct comments made by *Dilshod* have [D] at the beginning, *Zokir*’s [Z], and the authors’ [A].

### ‘Survival strategies’ of the traffic policeman

[D] It is not so easy to work as a traffic policeman in Uzbekistan. We have to communicate with more than a hundred people on a daily basis. We do not have fixed working hours. If you want to get a job with the traffic police, you have to pay a bribe, around 6,000-7,000 USD, to top officials in the traffic police. The biggest problem actually is that we do not get paid a salary for our work. The official salary for traffic policemen is 900,000 soum<sup>10</sup>, but in fact, we do not receive any salary. In rare cases, we might receive 10 per cent of this salary, 100,000 soum. Of course, you may wonder how we survive. Here is the reality for you: Instead of paying a salary, our administration provides us with traffic tickets which we can sell to drivers to earn a salary.<sup>11</sup> We usually sell these tickets to drivers who drive without having their seat belt fastened and/or drive cars which do not meet technical safety standards. The price of one traffic ticket is 12,500 soum. So we earn our salary by selling traffic tickets to drivers. Since we do not get any salary, we are not required to return ticket receipts or reports to our administration and can keep the money made from the ticket sales.

This is not the end of the story. Our bosses give us the order (i.e. set the target) to sell at least twenty tickets per day. However, drivers do not violate traffic rules every day. How can we sell twenty tickets per day? If I do not sell twenty tickets per day, I might get a warning from the administration or even lose my job. Under these circumstances, we are under strong pressure to find drivers to sell tickets to. There is also an informal monthly payment called *gruz* (burden) which we have to pay directly into our bosses’ pocket. The amount of this monthly payment ranges from 50,000 to 100,000 soums. We have to make this payment if we want to keep our job. These circumstances compel us to sell tickets even to drivers who act legally. Ordinary

<sup>10</sup> Soum is the national currency of Uzbekistan. 1 USD was equal to 2,700 soum (black market rate) in June 2012.

<sup>11</sup> The expression ‘to sell tickets to drivers’ is a slang expression widely used among traffic policemen in Ferghana meaning ‘to impose a fine on drivers’.

people do not know about these problems and therefore hate us. It is politics. We cannot talk about these problems openly.

I know many people look upon the traffic police as the most corrupt profession in Uzbekistan. Since we do not receive any salary from the state for our work, the money we earn through selling tickets is completely legal. I am an ordinary man, like everybody else; I have a family, kids to feed! Instead of giving us a salary, our bosses force us to earn our salary through selling tickets to drivers. So tell me, how can I feed my kids when the state does not pay me any salary? If I received a normal salary, I would not bother selling tickets to law-abiding drivers.

[A] There are three main points that need to be elaborated on in this context. First, the interview shows the existence of a shared language among traffic policemen that serves to reconstruct the meaning and application of traffic laws. When describing his informal practices, the traffic policeman tends to use the expression ‘selling tickets to drivers’ rather than saying ‘imposing a fine on drivers’. This expression also reveals that traffic police look at traffic tickets as a commodity for earning income rather than a means to enforce the state traffic laws. Thus, the linguistic representation is useful to understand the local context of informal transactions, as it reveals how the absence of formal income-earning opportunities influences the traffic police’s moral code and legal culture.

Second, the traffic policeman’s reasoning throws light on the functional role and meaning of bribery in Uzbekistan. His illicit practices are completely legal, he claims, since he does not receive any salary from the state for his arduous work. From a legal positivist perspective, these practices fall within the interpretation of corruption adapted from Western moral and juridical codes. Such interpretation is quite normal and legitimate in the context of Western welfare states where public authorities provide formal means of survival. But is it appropriate to interpret the policeman’s actions as illicit in the context of Uzbekistan, where the state fails to pay even a basic salary to the traffic policeman? In the light of these problems, one conclusion could be that informal practices allow low-level state officials such as traffic policemen to survive in the absence of decent salaries. This situation reminds us of Abel Polese’s (2008) anthropological study on Ukraine in which he concluded that corruption needs to be redefined, at least when dealing with cases in which it helps people to survive.

Third, it is also necessary to acknowledge the fact that corruption has

Minibus driver: You have to make a distinction between ‘good’ and ‘bad’ bribery

different meanings and logic within different levels of society, and that there is a difference between large numbers of low-level officials on the one hand, and the smaller group of state elites on the other. During the interview, the traffic policeman expressed dissatisfaction with his working conditions and criticized the unreasonable demands of his administration. He frequently mentioned that he has to follow the unwritten rules (or living law in Ehrlich’s terms) of his organization in order to keep his job. This leads us to argue that there is a need to distinguish between the informal practices of kleptocratic elites and the survival strategies of low-level officials who are dependent on informal coping strategies in order to survive.

If traffic police work is so risky, morally questionable and financially unrewarding there would seem to be a paradox – why do people bother to pay a 7,000 USD bribe to get a job with the traffic police? We were not able to find the answer to this question during the interview with *Dilshod*, the traffic policeman. To further understand the picture, we interviewed *Zokir*, a minibus driver who described how traffic policemen supplement their salary by ‘pardoning’ drivers in exchange for a small ‘gift.’

**Minibus driver: You have to make a distinction between ‘good’ and ‘bad’ bribery**

[Z] As you know, there are different types of traffic violations such as speeding, red light crossing, driving under the influence of alcohol, etc. According to the law, if I am caught running a red light, the traffic police can fine me around 60,000 soum. If the traffic police stop me for exceeding the speed limit, I have to pay a fine of 100,000 soum<sup>12</sup>. Now I will tell you how I usually avoid paying fines when I am stopped by the traffic police. For example, if I am caught driving too fast, I will, of course, try to not pay the official fine. Instead, I put 15,000 soum into my car documents and hand them to the policeman, and apologize for driving a bit too fast. Obviously, the policeman is more interested in accepting my ‘gift’ (*kongildan chiqqani* in Uzbek) rather than following the law and giving me a speeding ticket. If

<sup>12</sup> Due to an extremely high inflation rate, Uzbek authorities annually raise the monthly minimum wage. This means that the increase of the monthly minimum wage automatically raises the amount of traffic fines, because fines are determined on the basis of the monthly minimum wage. Since we conducted interviews with informants in June 2012, fine amounts mentioned in this paper reflect the June 2012 levels.

I pay the official fine, all the money goes to the state budget and the policeman does not benefit from this transaction. I have heard they pay at least 5,000 USD in bribes to get a job with the traffic police. Many people say they have to please their bosses with nice gifts every month. They also have to feed their children. Of course, due to these circumstances, they have to earn extra money in order to cover these costs. Therefore the police gladly accept my ‘gift’ and do not give me a speeding ticket. Now let’s work it out: The official fine for speeding is 100,000 soum, but I can get away with 15,000 soum. So this is a win-win situation as I save 85,000 soum and the policeman earns 15,000 soum for his family. As you see, bribery can also be a good thing. I would not use the word *pora* (bribe) in relation to these transactions, because I voluntarily offer a ‘gift’ to the policeman. So you have to make a distinction between ‘good’ and ‘bad’ bribery. An example of bad bribery would be if the police stopped me and forced me to pay when I was not breaking the law, then we can talk about real bribery. In this case, the police are abusing power. This is a bad bribe.

[A] This interview highlights two main issues. First, the minibus driver uses the expression ‘gift’ when describing his bribe to the policeman. This example indicates that the line between gift and bribe is very fluid in Uzbekistan, since the term ‘gift’ can be used in relation to the *toyana* that we described at weddings, as well as to informal transactions between state officials and citizens. Unlike in English, there is no single generic term for ‘gift’ in the Uzbek language, but there are numerous terms that are used depending on the context and type of event, such as *toyana*, *sovg’a*, *hadya*, *ko’rmana*, *suyunchi*, and *ko’ngildan chiqqani*. The gift-bribe dilemma has also been studied in the context of Ukraine (Polese 2008), Russia (Ledeneva 2009) and Kazakhstan (Werner 2000). For instance, Cynthia Werner’s (2000) anthropological work also points to the blurred boundary between gift and bribe in Kazakhstan. She argues that the anti-corruption legislation promoted by powerful global organizations should be sensitive to local settings where gift exchange is an integral part of the culture. In that sense, our research seems to support the findings of previous research, suggesting that Western-centric interpretations should be re-contextualized when dealing with corruption in Uzbekistan and recognize local understandings of gifts, moral codes, and the values of informal transactions.

Second, the minibus driver makes a distinction between ‘good’ and ‘bad’ bribery. When making this distinction, he refers to the voluntary na-

Minibus driver: You have to make a distinction between ‘good’ and ‘bad’ bribery

ture of the informal payment he makes to the police. According to his moral code, there is no element of bribery if he himself voluntarily offers a ‘gift’ to the police as compensation for a traffic law violation. As he himself states, this is a win-win transaction for both the driver and the policeman, since the former saves money, while the latter makes extra income for his family. At the same time, the driver uses the word ‘bribe’ in relation to ‘gifts’ he is forced to give, even though his actions are in compliance with the law. Nevertheless, both of the transactions described are punishable by law and interpreted as corruption in Uzbekistan’s jurisprudence, as well as in Western juridical codes. According to Uzbek law, the voluntary nature of informal transactions between citizens and state officials does not influence their criminal nature. Thus the way the driver distinguishes between ‘good’ and ‘bad’ bribery indicates the existence of dual morality in bribery, and reveals the multifaceted meaning and morality of informal transactions in Uzbekistan. A similar situation has also been described in Johan Rasanayagam’s study (2011) in which he, through an ethnographic case study of a local teacher in Uzbekistan, showed the clashes between local morality and legal norms where the teacher believed that a ‘little corruption’ does not hurt anyone.

Previous studies have argued that illicit practices persist in post-Soviet societies because they are deeply embedded in cultural practices and local understandings of esteem and self-worth (e.g. Abramson 2000; Humphrey 2002, 2012; Patino 2002; Wanner 2005; Polese 2008). In the context of Russia, Caroline Humphrey (2002, 146) showed that ‘the bribe is not in essence just a payment for a commodity or service but it is also recognition of a person’s socio-political nonmarket status.’

These insights have been confirmed during our ethnographic field research in Uzbekistan, in 2009. What follows is a note relating to one incident we experienced in Uzbekistan while travelling by taxi from Tashkent to the Ferghana Valley. There is only route to the Ferghana Valley via a mountain pass called *Kamchik*. Since the *Kamchik* is the only route connecting the Fergana to the rest of Uzbekistan, it is heavily guarded, and there are many checkpoints where police and border officials check passports. A large number of traffic police are also to be seen at the *Kamchik* pass. When we reached the pass, the driver asked us to unbuckle our seat belts, as it was uncommon at that time to use seatbelts, and the traffic po-

lice did not impose any fine for driving without seat belts.<sup>13</sup> Thus any use of seat belts by a driver or passengers would be a clear signal that there was a foreigner/non-native in the car, which might easily attract the attention of the traffic police, always seeking reasons to stop cars. In requesting us not to use the seat belts, the driver was actually trying to avoid any unnecessary attention from the police. However, out of concern for his personal safety, Måns Svensson, the second, Swedish author of this paper, did not unfasten his seat belt. As the driver predicted, our car was soon stopped by the traffic police. As usual, they checked the driver's documents. Due to the presence of a foreign citizen in the car, the police also wanted to check the car's luggage compartment. Måns Svensson, suspicious of the actions of the police, demanded that he must be present during the policeman's checks. This was an open challenge to the traffic policeman's traditional authority. Trying to avoid conflict with a foreign citizen, the policeman decided not to check the luggage compartment and politely asked Måns Svensson to sit in the car. The policeman then ordered the driver to follow him to his small office to discuss some minor details in his car documents. After ten minutes, the driver returned to the car with an angry face and told us that he had to pay 15,000 soum because of Måns Svensson's failure to 'show respect' towards the policeman. Not wanting the driver to take the consequences for his action, Måns Svensson later covered his losses.

This incident provides useful insights into local meanings of informal transactions in Uzbekistan. The power of the traffic police is rarely challenged in Uzbekistan, and ordinary people always show absolute obedience when they interact with the police. Unlike in the West, when stopped by the police, citizens in Uzbekistan get out of their car and hand over documents to the policeman, addressing him as 'commander.' Thus relations between the traffic police and citizens are very hierarchical. As we described in previous sections, such hierarchical relations between citizens and state officials can also be observed in non-state arenas such as weddings, where 'people of influence' get the best tables. As a foreigner, Måns Svensson was unaware of local social norms and hierarchies (or 'living law' in Ehrlich's terms). By demanding to be present during the luggage check he challenged the traditional power of the policeman to dictate the rules. According to Uzbek law, Måns Svensson's actions were entirely legal. However, from a

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<sup>13</sup> Seat belt use was not mandatory in Uzbekistan until 2010.



## Discussion and conclusions

‘living law’ perspective, his actions were not consistent with prevalent social norms and hierarchies, which indirectly resulted in the imposition of a 15,000 soum fine. Consequently this incident may provide a starting point for us to reconsider the nature and context of other informal transactions in Uzbekistan, and to view transactions not so much as illicit, but more as providing insight into the manifestations of social norms, hierarchies, status contestations, and coping strategies. Therefore, when measuring corruption in societies such as Uzbekistan, emphasis should also be placed on the recalcitrant complexity of local social life and hierarchies which assign cultural meaning to informal transactions that may be different from those in the West.

## Discussion and conclusions

The aim of this study was to explore the multifaceted meaning, logic, and morality of informal transactions in order to better understand the social context that informs the meaning of corruption and bribery in Uzbekistan. In doing so, we questioned the validity of Western-centric interpretations of corruption and recognized the need to consider local context and moral codes, thereby providing additional tools for re-contextualizing corruption through the concept of ‘living law.’ The ethnographic data on wedding ceremonies and two informal interviews were analyzed in order to describe and understand the local perceptions of moral codes and the values of informal transactions.

We used evidence from wedding ceremonies to show the local relationship to money and how this could undermine Western-centric interpretations of corruption. Our aim was to show the underlying social norms, moral codes, and local perceptions in order to describe a society where corruption occurs. The wedding example suggests that talking of corruption in a place where money has a different social function may not be appropriate. Accordingly, in a place such as Uzbekistan where money is used with a meaning that may be different from the one in has in the West, corruption should be re-contextualized.

One could argue that the connection between social practices in weddings, and corruption, is too tenuous. The reader might wish that we had carried out observations of actual corruption in order to note the parallels in structure and meaning, of exchanges at weddings, and corruption in pub-

lic transactions, thereby demonstrating the relation rather than surmising it. In regard to this, the ethnographic data was complemented with two informal interviews that dealt directly with informal transactions in state arenas. As our results indicate, there is a need to make a distinction between the informal practices of kleptocratic elites, which have nothing to do with ‘survival’, and the informal coping strategies of the ordinary citizens and low-level officials (i.e. ‘corruption of the weak’). In other words, a bribe given to top state officials to keep the monopoly on a sector is not the same as a small payment to a low-level traffic policeman. But they are both classified as corruption by a number of international reports (e.g. TI 2012). We suggest that there may be reasons to re-evaluate the validity of Western-centric interpretations when talking about and measuring corruption in the context of Uzbekistan, and possibly other Central Asian countries.

Our results can be summarised in three points: (a) informal transactions are deeply embedded in cultural practices; (b) not all informal transactions are corrupt; and (c) when talking about, or measuring, corruption, social norms, moral codes, and local perceptions should be considered. If these are not taken into consideration, informal transactions that are not corrupt run the risk of being labelled as illicit. ‘Corruption’ is an overly general term, which often simply masks the fact that sets of different rules are competing with those of the state. Similar points have been made before by scholars such as Werner (2000), Humphrey (2002) and Polese (2008). In that sense, our research could be said to empirically support the findings of previous research which has called for a more nuanced view at a grass-roots level of informal transactions in developing countries. Our research differs in one respect from previous research by exploring informal transactions in both non-state and state arenas through Ehrlich’s concept of ‘living law.’ By utilizing this concept, we underline the importance of understanding the ‘living law’ of the society in which corruption is being discussed and/or measured.

Even though the state in Uzbekistan might look omnipotent because of its infrastructural and coercive capacity, our fieldwork suggests that it has limited meaning in everyday life at the local level. The decline of the Soviet-type welfare state has spurred the informalization of state, society, and lifeworlds in Uzbekistan, since both ordinary citizens and state officials in Fergana have become increasingly dependent on informal coping strategies for gaining a livelihood. In the introduction to this chapter, we state

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that we accept the definition of 'corruption' as Transparency International describes it: 'corruption is the abuse of entrusted power for private gain.' However, we also stress the need to focus on the key word 'abuse' from the point of view of a sociological understanding of the specific cultural context in which corruption is seen. Our study has shown that informal transactions that are considered to be corruption in a Western-centric interpretation have little to do with abuse. Rather, informal coping strategies are incorporated into Uzbek culture as a rational way of 'getting things done.' Hence, anti-corruption measures are not simply a matter of getting people to obey the law. They are, more importantly, about promoting socio-economic change.

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# Rethinking Corruption in Post-Soviet Uzbekistan: Ethnography of “Living Law”

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## Discussion and conclusions

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