Ph.D. Thesis Title: Living Law and Political Stability in Post-Soviet Central Asia. A Case Study of the Ferghana Valley in Uzbekistan

Author: Rustamjon Urinboyev

Thesis Overview

Introduction
Following the collapse of the Soviet Union in 1991, newly independent states of Central Asia were faced with the complex task of rebuilding their nation-states. All Central Asian states have proclaimed the creation of a secular democratic society based on the ideals of democracy, human rights, and social justice. For a brief period during the first stages of the nation building process there was a widespread euphoria in Central Asia and in the outside world that the introduction of the Western type political institutions of democratic government and market-oriented economy would promote democratic transformations and contribute to the formation of stable democratic nation-states in post-Soviet Central Asia (Gleason, 2001). The Western world and international financial institutions have shown their strong willingness to support democratic transformations in the post-Soviet Central Asia through financing and by initiating innumerable democracy, market economy and human rights projects.

Twenty-one years have passed since the Central Asian states gained their independence. However, the analysis of public policy developments since 1991 shows that the Central Asian countries have made limited progress in promoting good governance, the rule of law and social welfare, and that formal institutions merely have attained a showcase quality (e.g. Gleason, 2001; Luong, 2002). However, there has apparently been increasing social inequality in Central Asia in the post-Soviet period, with growing wealth among kleptocratic government officials and business elites who are well connected to state elites, and growing poverty among the population in general, especially in rural areas. Looking at the magnitude of corruption and kleptocratic practices, the extremely high unemployment rates and growing impoverishment of the masses, one possible inference would be that the hopes and expectations of many Central Asians have already evaporated. In Uzbekistan, as Dadabaev (2004, p. 165) shows, the reserves of public confidence that the government was granted after independence have significantly shrunken and people are increasingly impatient with government failure in economic reforms. Similar situations have been observed in other Central Asian states as well (e.g. Luong, 2004; McMann, 2007). Likewise, many commentators now argue that the Central Asian states have made little progress in promoting the rule of law and good governance, and that many formal institutions of government have merely a showcase quality (e.g. Luong, 2000, 2002; Gleason, 2001; McMann, 2004; Ilkhamov, 2007; Kandiyoti, 2007; Perlman and Gleason, 2007). According to the 2011 *Corruption Perceptions Index*, released annually by Transparency International (TI), Central Asian countries are among the most corrupt in the world (TI, 2011). The 'control of corruption' indicator of the *World Bank Governance Studies* also shows an extremely high level of corruption in Central Asian countries (Libman, 2008).

The revolutionary wave of demonstrations and protests in the Arab world, the so-called 'Arab Spring' that began on the 18 December 2010, sent shockwaves rumbling across Central Asia. For the first time in the recent history of the Arab world, the revolutions led to the ousting of authoritarian leaders and their replacement by representatives of an opposition camp. These events showed that the use of coercion and penal sanctions as an exclusive means of social control can serve authoritarian regimes in the short term, but it can hardly secure a regime's sustainability in the longer term. The Arab Spring produced enthusiasm and raised expectations of ordinary people in Central Asia for a democratic change. Remarkably, despite their obvious failures in addressing the social and economic problems, all Central Asian authoritarian regimes (with the exception of Kyrgyzstan) still maintain their firm grip on power. Paradoxically, the Arab Spring had a dramatic impact on democratic developments in Central Asia, serving as a 'scapegoat' to demonise the Western human rights and democracy initiatives in the region. In light of rising Islamic fundamentalism and the threat posed by the Taliban in neighbouring Afghanistan, ruling regimes 'securitised' the issue by convincing the population and supporters abroad that there is only one alternative to their rule – Islamic

fundamentalism. Referring to the violent and destructive nature of Arab revolutions, Central Asian leaders emphasised the importance of a strong state during the transition period, and insisted that harsh measures are necessary to prevent an Islamist takeover in the region. The Arab Spring provided a vantage point for Central Asian political leadership to underscore the importance of political stability over democracy and economic development, thereby absolving ruling regimes from implementing democratic reforms. Ruling regimes often cite the famous Western scholars, such as Samuel Huntington (1968), who argued that establishing centralised authority, even by authoritarian means, is the prerequisite for any type of political or economic development. In this regard, political leadership of all five Central Asian states actively pursue the policy of 'political stability at any cost' that provides justification for ruling regimes to deploy coercive strategies and penal sanctions as an exclusive means of social control.

The current Central Asian ruling regimes extract resources, exercise strong social control and foist their ideology on ordinary people without giving anything in return. Despite the despotic and corrupt nature of the Soviet system, the majority of Uzbeks, especially the older generations that I interviewed during my fieldwork, expressed nostalgia for the former Soviet Union. They frequently mentioned the availability of inexpensive food, jobs, medical care, affordable housing, and education during the Soviet era. This is supported by Atkinson and Micklewright's (1992) study, showing that the distribution of income within the Soviet Union was significantly more egalitarian than in most market economies. The difficulties of the post-Soviet transition have been exacerbated by the significant retrenchment of social welfare services. The new Central Asian governments withdrew social benefits without creating alternative welfare structures. As a result, the absence of state support has created serious social problems, thereby transforming the family and communities into the main shock-absorbing structures of the society (e.g. Kandiyoti, 1998; Sievers, 2002; Kandiyoti and Azimova, 2004; Urinboyev, 2011). Most of the people I met in rural Ferghana expressed their dissatisfaction with current economic and social policies, mentioning unaffordable healthcare and the high unemployment rate. Today, when talking with ordinary people in Central Asia one can say that the ruling elites' narrative of a 'transition period' is losing its credibility in light of shrinking social welfare services. At least this is the experience of many of those I encountered during my fieldwork in the Ferghana valley of Uzbekistan. Many people I met rarely referred to the 'transition' when explaining their economic difficulties; rather they often referred to economic policies and low salaries, lack of jobs and strong social protection, corruption, the high inflation rate, excessive interference of law-enforcement bodies and tax officials in business activities, customs duties that were too high, and tightened border controls. As Marianne Kamp (2005, p. 417) notes, 'the idea that this is a passing stage, and that Uzbekistan must and will arrive at capitalism and democracy, is dying more quickly among ordinary people in Uzbekistan than it is among outside "experts."

Because of the collapse of formal welfare structures and the inability of the new Central Asian governments to provide decent jobs, increases in poverty and inequality have been much more dramatic in the low-income countries of the Caucasus and Central Asia than in the mostly middle-income countries (Falkingham, 2005). Studies have demonstrated that Central Asians consider their governments inferior to the Soviet one (Abramson, 2000; Ilkhamov, 2001; Baykal, 2006; Rasanayagam, 2011). This issue has had far-reaching repercussions for political stability and security in Central Asia. As the states retreated from their social welfare obligations, so are ordinary citizens retreating from their loyalty to the current political system, as evidenced by growing social discontent, disobedience to legal systems and rising support for radical Islamic movements. As Hansen (2005, pp. 45–46) notes, 'With no political voice and few economic opportunities, there is a risk that the local populations will grow more frustrated and bitter, eventually becoming more radicalised'. The level of unemployment and poverty, as well as the lack of political liberalisation, provide fertile ground for these radical groups to recruit young people. There are several underground radical Islamic groups in Central Asia, *The Islamic Movement of Uzbekistan (IMU) and Hizb-ut Tahrir*, that advocate the establishment of an Islamic state in Central Asia, notably in Uzbekistan (Pottenger, 2004). Likewise, instability in Afghanistan, ethnic tensions, socio-economic problems and the rise of regionally focused Islam threaten the forms of territorial political arrangements that have been developed in the Central Asian states (Nunn *et al.*, 1999).

Purpose and Research Questions

Thus, Central Asian countries are facing multidimensional political stability and security challenges in the post-Soviet period. Current scholarly discussions of political stability in post-Soviet Central Asia continue to revolve around the issues of Islamic upheaval, ethnic conflicts, civil war or inter-clan struggles, and how the authoritarian regimes in this region deploy coercive strategies and penal sanctions to cope with political instability. Hence, current understandings of political stability in Central Asia continue to be trapped in the 'discourse of danger' that makes it difficult to recognise what is actually happening and changing in everyday life. Thus, there is a lack of research that addresses the relationship between welfare structures and political stability. It is evident that political and coercive strategies are crucial variables, but insufficient when trying to understand the complexities and dynamic nature of political stability.

Armed with this understanding, this thesis, through a case study of the Ferghana Valley in Uzbekistan, investigates the relationship between welfare and political stability, and thereby aims to contribute to a better understanding of the post-Soviet transformations in Central Asian societies. Another equally important purpose of the thesis is to contribute to theory development in the sociology of law. The thesis seeks to answer the following overarching research question:

Given the three suggested means of political stability (coercion, welfare, and informal institutions) that states have at their disposal, what are the possibilities to promote legitimate and long-term political stability in post-Soviet Central Asia?

Theory and Method

The thesis employs multiple research methods, consisting of an ethnographic method, a literature review, a socio-legal method, and an historical method. The first-hand data comes from three periods of ethnographic fieldwork conducted between 2009 and 2012 in the Ferghana Valley, Uzbekistan. The thesis draws on the concept of 'living law', the 'state-in-society' approach and the concept of norms to provide a theoretical framework, and model for analysing the empirical data.

Empirical Results

Article I

Urinboyev, Rustamjon, 2011. Law, Social Norms and Welfare as Means of Public Administration: Case Study of *Mahalla* Institutions in Uzbekistan. *The NISPAcee Journal of Public Administration and Policy*, 4 (1), 33-57.

The NISPAcee Journal of Public Administration and Policy is peer-reviewed and predominantly devoted to public administration and public policy issues in Central and Eastern Europe. The article aims to understand the issue of how political and social stability is maintained when the state fails to secure the basic needs of the populace. The article starts with a critical analysis of public policy developments in Uzbekistan since the collapse of the Soviet Union, highlighting numerous problems, such as deteriorating social welfare services, decline in living standards, extremely high unemployment rates, the growing number of Uzbek labour migrants in Russia and Kazakhstan, radical Islam, etc. The conventional wisdom suggests that under these circumstances, Uzbekistan should have already fallen into the trap of revolutions, civil war or ethnic conflicts from below. In the light of these problems, the article poses a question – how Uzbekistan succeeded in preserving political stability and did not record any considerable cases of interethnic or interfaith conflict, regime change or civil war, whereas neighbouring Kyrgyzstan, labelled 'an island of democracy' by the Western world, had experienced numerous conflicts and chaos, ranging from 'colour revolutions' to ethnic conflicts.

This issue triggered bitter debates within academic and policy communities. Previous studies explained the political stability of Uzbekistan by referring to state-centred approaches and macro-level topics, focusing frequently on policies of repression and an authoritarian regime,

administratively commanded economic policies, or to the political apathy of ethnic minorities in Uzbekistan. The article suggests that the state-centred approaches cannot satisfactorily demystify why and how Uzbek authorities have managed to retain political stability and security; rather, there is also a need to pay heed to (informal) social institutions, notably the *mahalla*, when trying to understand the nature of political stability in Uzbekistan. In the article it is argued that Uzbek authorities deployed traditional *mahalla* institutions to meet political and social instability, since the *mahalla* represents a comprehensive system of social control and offers informal social safety nets.

As the findings demonstrate, *mahalla*, a somewhat traditional informal institution, has become partly formalised (through legislative codification and executive incorporation) and now operates partly on behalf of the state and partly community-driven as a local-level provider of social welfare and, increasingly, as the [state] mechanism of social control. The transfer of social service delivery functions to *mahalla* institutions has provided a fertile ground for the state to absolve itself from the responsibility of service provision. Given its welfare provision potential and social control function, the *mahalla* plays a pivotal role in promoting social order and political stability in Uzbekistan.

Article II
Svensson, Måns, Urinboyev, Rustamjon, and Åström, Karsten, 2012. Welfare as a Means for Political Stability: A Law and Society Analysis. *European Journal of Social Security*, 14 (2), 64-85.

This article starts with a discussion of why some countries develop into welfare states while others do not. Two main factors highlighted in these scholarly discussions are economic growth and the need for political stability. In these discussions, the example of Sweden, where the welfare state allegedly emerged from a 'culture of consensus', has often been treated as an historic exception. The aim of the article was to examine whether Sweden was indeed exceptional in this manner or if welfare in Sweden emerged as a product of strategies aimed to promote political stability, and thereby followed a pattern similar to other Western European countries.

The results of the article show that: (a) until the mid-twentieth century, Sweden was a highly unstable, conflict-ridden class society, and thereby followed a similar pattern to other Western European countries; (b) welfare reforms in Sweden were initiated as a means of addressing political and social instability; (c) Sweden is therefore no exception to the theory that deep political crises trigger welfare reforms. The study conducted for Article II debunks the exceptionalist argument for Sweden's emergence as a welfare state. It also challenges the arguments that claim enduring consensus, demonstrating the tensions and struggles among different normative orders that had existed in Sweden until the mid-twentieth century. Thus, the article claims that the 'culture of consensus' is not a prerequisite when utilising welfare as a means for promoting political stability. This leads to the conclusion that the welfare state can successfully serve as a 'political stability and security' project in countries that suffer from chronic political instability and insecurity.

Article III
Urinboyev, R., (forthcoming 2013). Understanding Informal Economy as a Welfare State: *Mahalla* Institutions in Post-Soviet Uzbekistan. Submitted to the *Europe-Asia Studies Journal* in October 2012.

This article examines the informal economic practices as an alternative welfare system and thereby challenges the validity of international reports (e.g. World Bank reports) and policy analyses on Uzbekistan, and possibly on other Central Asian countries, that treat the informal economy as a 'social evil' that undermines the legitimacy and efficiency of public policies. Another equally important aim of the article is to study the ramifications of informal economic practices on state-society relations and forms of governance in Uzbekistan. In trying to accomplish these aims, the article uses the case of *mahalla*-based informal economic practices.

The article puts forward the view that the informal economic practices are not automatically negative; rather, they are people's desperate reaction to failure of the state. While the state has not been able to secure the basic needs of its citizens, the *mahalla*-based informal economic practices have become an alternative coping strategy in post-Soviet Uzbekistan. The results of the study clearly

reveal that informal economic practices make up for the incapacity of the state, and prevent possible political instability by serving as an alternative source of job creation and social safety nets. Hence, the informal economy is not just a 'social evil' that is abnormal and exceptional to the rule of law, but it can also be regarded as an alternative welfare system when the state fails to fulfil its responsibilities. As the study concludes, any attempts at eliminating informal strategies, without creating alternatives, might lead to destabilisation and create social discontent in an already troubled and impoverished Uzbek society.

Article IV
Urinboyev, Rustamjon and Svensson, Måns, (forthcoming 2013). Corruption in a Culture of Money: Understanding Social Norms in Post-Soviet Uzbekistan. In: M. Baier (ed.), *Social and Legal Norms*. Farnham: Ashgate.

The fourth article, co-authored with Måns Svensson, will be published as a chapter in the Ashgate anthology, *Social and Legal Norms*, edited by Matthias Baier. The article takes its point of departure from the critical analysis of previous research and international legal definitions of corruption. According to the 2011 Corruption Perceptions Index, released annually by the Transparency International, Uzbekistan is among the 10 most corrupt countries in the world. Thus, the main aim of this article was to investigate whether the working definition of corruption presented by the Transparency International (TI) has validity and relevance when discussing and measuring corruption in non-Western societies like Uzbekistan. In undertaking this task, the article focuses on socio-economic structures such as networks of reciprocity and exchange in Uzbekistan and uses ethnographic data on wedding ceremonies to show the local moral codes and values of informal transactions and how these can undermine a pure Western perspective on corruption.

The central claim of the article is that the bulk of informal transactions in everyday life are manifestations of alternative coping strategies and/or deeply embedded social norms and customs in Uzbekistan, simply a 'culture of money', characterised by networks of reciprocity and exchange. The results of the article show that the informal transactions in Uzbek society are surrounded by a different cultural and functional meaning than in most of the Western world. Accordingly, not all informal transactions are corrupt and one should consider social norms, moral codes and local perceptions when talking about (or measuring) corruption in Uzbekistan's context. The article concludes that due to the retrenchment of social welfare services and the continuous decline of living standards, ordinary people in Uzbekistan have become increasingly reliant on informal coping strategies for securing their basic needs.

Analysis

Living Law and Political Stability in Central Asia
One primary aim in studying state-society relations and political stability in Central Asia was to understand the specifics of the social and political contexts in which the strongly motivating sets of ideas (shared expectations) for associative behaviour emerge and are reproduced. The socio-legal definition of norms developed by Svensson (2008, 2013) has served as a guide when studying the specifics of the local context in Central Asian countries, thereby enabling me to identify what the local people themselves recognise as actual rules of conduct. Putting it in Ehrlich's words, I employed the socio-legal concept of norms to glean the patterns of 'living law'. Likewise, while looking at Central Asia through the lenses of norms, one important insight I obtained was that everyday life is dominated by pluralistic and syncretic norms.

The case of wedding ceremonies was particularly insightful, serving as a 'magnifying glass' to reify the 'living law' of Central Asia (Urinboyev and Svensson, 2013). While observing wedding ceremonies, it became clear that the social and economic relations were governed by pluralistic and syncretic normative orders, characterised by complex processes of mutual interpenetration of elements of Islamic and Soviet practices. For instance, at weddings, men and women sit separately,

the groom and bride visit the mosque for the religious ceremony, wedding guests say *bismilloh* ('In the name of God') and then drink vodka, people put money on the dancing guests' *duppi* (headgear), and the bride wears a Western style white wedding gown. The visibility of money during the wedding dance is striking; everybody, from children to the elderly, dances with money in their hands. Another important aspect of the case of weddings was its ability to explain and visualise society's political structure. The system of social hierarchies and reciprocal exchanges of money and gifts that I observed in weddings provided important clues about underlying social structures. During the wedding feast, the 'people of influence' (e.g. state officials, the wealthy and businessmen) were seated at the best tables and served quickly, whereas the guests with lower socio-economic status got the modest tables. Weddings also clearly visualised the very traditions, customs and moral codes underpinning the patriarchal social system in Central Asia. Thus, weddings are sites where the degree and importance of social hierarchy can be easily discerned: social status, charisma, power and wealth are not easily neglected. Looking at such a hierarchical and stratified nature of social interactions, it can be argued that authoritarianism has strong social roots in Central Asian societies. If we interpret these observations through the lens of the 'state-in-society' approach, it can be stated these normative patterns have strong implications for the formal state arenas.

As Perlman and Gleason (2007, p. 1333) note, the 'Asian path is different from other competing approaches in that it is synthetic-binding together the interests of the state, the society, the family, and the individual'. As case studies of *mahalla* and wedding ceremonies indicate, 'living law' (informal coping strategies) has become the dominant normative order in post-Soviet Central Asia (Urinboyev, 2011; Urinboyev and Svensson, 2013). When looking at the magnitude of *mahalla*-based informal coping strategies, it becomes obvious that the state has not been able to valorise its laws and symbols, while informal rules and norms ('living law') has developed into a parallel system of governance in everyday life. Based on these findings, it can be asserted that the state and its laws in Central Asia are reconstructed and reinvented when they come into contact with the 'living law' of everyday life. Taking the example of rural Ferghana, it can be argued that local struggles and local forms of coping strategies have transformed the nature of state-society relations, making the 'living law' a parallel system of governance that fulfils the functions from which the state law has withdrawn. Therefore, we need to focus on informal coping strategies if we want to better understand the nature of state-society relations and political stability in the region.

This argument brings us back to the question of how the ruling regimes in Central Asia still maintain their firm grip on power, and ensure political stability despite their potential failure to address the social welfare needs of the populace. There are many ways to approach this. There is extensive literature addressing this question (e.g. Kubicek, 1998; Melvin, 2000, 2004; Schatz, 2001; Human Rights Watch, 2003; Starr, 2006; Fumagalli, 2007; Kandiyoti, 2007; Markowitz, 2008). The bulk of these scholars argue that political stability and regime longevity in Central Asia can be explained as an outcome of continued use of coercion and intimidation. As the findings of this thesis indicate, political stability in Central Asia can also be explained by reference to informal economic structures that serve as 'palliative' mechanisms when the state fails to provide viable means of survival. *Mahalla*-based informal economic practices are one good example. In rural Ferghana, the word *'hashar'* is generally used to refer to non-compensated community project in which *mahalla* residents co-operate with one another by the reciprocal exchange of labour, money, material goods and services. During my fieldwork I have observed that *mahalla* residents arranged *hashar* for a variety of reasons, for example, for the construction of irrigation facilities, cleaning of streets, the asphalting of roads, the construction of dwellings or mosques, the organisation of weddings, funerals and circumcision feasts, and many other services not provided by the state. *Mahalla* served as a source of job creation and as a social safety net.

The example of wedding ceremonies is also illustrative of the changes in coping strategies in the post-Soviet period. Notably, during the Soviet times, only relatives and close friends were expected to give *toyana* (gifts such as carpets or cash gifts) at weddings, and other guests such as *mahalla* residents were not expected to. However, as I observed during my fieldwork, the post-Soviet economic decline has resulted in the emergence of new social norms that have transformed weddings into a mechanism that distributes the livelihood risks within the wider community; now all guests are expected to give *toyana* at weddings. Since weddings are very expensive, the *toyana* considerably lessens their burden on families. Hence, the informal economy is the main 'palliative' arena where we

can find the patterns of living law, since it signifies social practices embedded in a Central Asia context and a parallel system to the state-driven welfare distribution. Thus, informal economic practices make up for the incapacity of the state, and contribute to political and social stability by serving as an alternative source of job creation and social safety nets.

Conversely, when coping strategies are based on informal rules, the laws and regulations of the state gain a secondary character, and the 'living law' that regulates informal relations becomes a parallel system of governance. Although this parallel system does not overtly challenge both the real and symbolic order of the state, it becomes an omnipresent phenomenon and thereby unofficially reshapes central policies, especially when not tailored to context and place. One possible inference is that these informal economic practices and coping strategies can be regarded as 'everyday forms of resistance' in the sense that they manifest the failure of the state to meet the basic needs of citizens, and therefore do constitute a form of production of political and social order by a strata of the population that are excluded from the core political processes. In this regard, informal economic practices can be seen as people's silent but desperate reaction to state failure. However, informal economic practices provide a short-term solution to structural inequalities and national (socio-economic) threats. They also modify the state-society relations in the long-term, thereby weakening the legitimacy of the state. As the thesis research findings demonstrate, an informal economy cannot address the large-scale problems; consequently, the political stability of Central Asia has become shaky.

Interlinkage Between Macro, Meso and Micro-Level Structures

The results indicate that there are multiple social associations in Central Asia, and the state is one of them. In addition, there are other associations such as clans, patron-client networks, *mahalla*, and religious movements that promote different versions of social behaviour. All these associations interact and struggle with one another over material and symbolic issues, attempting to impose their own norms and symbols on ordinary life, everyday social relations and the way people around them understand. Hence, in post-Soviet Central Asia, the relations between the state and society are more driven by social forces, such as *mahalla*, rather than Western type civil society institutions.

This thesis focuses primarily on the *mahalla* as a socio-political structure that reshapes the 'political and social order'. In Central Asia, what we might think of as 'political' emerges through the flow of (*mahalla*) informal norms and expectations, moral values, traditions and reciprocal exchanges (Urinboyev, 2011; Urinboyev and Svensson, 2013). Previous studies have largely regarded *mahalla* as instruments of authoritarian control and human rights abuse (Abramson, 1998; Human Rights Watch, 2003; Kassymbekova, 2003; Kamp, 2004; Masaru, 2006). Much of this literature argues that the ruling regime in Uzbekistan tries to extend its authoritarian control through *mahalla*. Equipped with the concept of 'living law' and the 'state-in-society' approach, this thesis takes a rather different approach by focusing on the *mahalla* as social associations with their own inner orders, and thereby treating them as a parallel normative order that promotes different versions of how people should behave (or 'living law' in Ehrlich's term). Even though Uzbek authorities have attempted to formalise the *mahalla* by devolving the social service delivery responsibilities, the results of the thesis research indicate that the *mahalla* still remains largely an informal association (Urinboyev, 2011). Massicard and Trevisani (2003) claim that '*mahalla* is a socio-political object, and it offers an understanding of the relationship between state and society. The devolution of power to *Mahalla* creates an arena for different strategies of action. Not a negotiated social consensus, but the interplay of different (group) interests, local knowledge, strategies, norms, conflicts, compromises and truces that together makes up the social structure, decides issues of structural change' (*ibid.*). In other words, the *mahalla* is the arena where the laws of the state and the 'living law' of everyday life come to interplay and clash.

Accordingly, when discussing how political stability is maintained in Central Asia, there is a need to focus on 'living law' produced by *mahalla* structures. The 'living law' can be found by observing everyday social interactions, how people behave in their social associations, people's coping strategies and how people 'get things done'. The *mahalla* as a socio-political object influences social behaviour and everyday life more visibly than the state. This can be seen by looking at how the *mahalla*-based normative order produces the networks of solidarity that are based on kinship, strong social hierarchies and patron-client relations. By contributing to the emergence of the initial elements

of nepotism, cronyism, and patron-client relations, *mahalla* in one way or another creates an alternative normative order in Uzbekistan. In the thesis research, these processes are manifested through the ethnographic description of wedding ceremonies and *mahalla*-based informal economic practices. When viewed through the concept lenses of 'living law' and the 'state-in-society' approach, the *mahalla* constitutes a parallel system of governance in Uzbekistan, since its inner order dominates everyday life, reducing the meaning and impact of state law. Thus, one important finding of the thesis is that *mahalla* structures are the traditional sites of political production in post-Soviet Uzbekistan. There are similar *mahalla* type institutions in the other four Central Asian countries as well (e.g. Open Society Institute LGI, 2002).

The networks of solidarity that I observed in the *mahallas* of rural Ferghana are based on kinship, cronyism and patron-client relations. Most of the people I interviewed during my fieldwork stated that the individual is expected to share his or her economic resources and political influence with his kin and social networks once they become available. As my informants explained, this is the 'living law' of rural Ferghana. In this regard, state officials in rural Ferghana are torn between loyalty to their kin and networks, and honesty at work. These networks of solidarity prevail in politics, business and social life in Central Asia, since such a collective nature of society limits the scope and penchant for individual choice. Therefore, maintaining loyalty and respect for such networks and kin often comes at the expense of formal structures, thereby leading to an omnipresence of corruption and rent-seeking behaviour in formal arenas. This indicates that behavioural instructions promoted by the 'living law' influence the implementation of state laws and regulations. Although the 'living law' described here may seem illicit or abnormal to Western observers, it is an essential part of everyday life in Central Asia that helps 'get things done'. As primary providers of social guarantees, *mahalla* deplete the state's organisational prowess by promoting informal rules (social norms) and moral codes that differ from the laws and policies of the state. Even an authoritarian and coercive state as that of Uzbekistan finds itself moulded by the *mahalla* structures. One possible conclusion is that the very nature of state-society relations and forms of political stability in Central Asia are determined by the outcomes of struggles and interplay among different social associations.

Thus, the law is not the only regulator of everyday life, but there are many other competing normative orders in society that influence social behaviour much more forcibly than the law. Bearing this in mind, one inference is that there is a need to move the focus from extreme state-centred approaches and macro-level topics to micro-level structures, treating macro-, meso- and micro-level developments as interconnected and mutually transforming one another. The *mahalla* is the traditional arena of political production in Uzbekistan, as it is the site where the initial interaction between the state and citizens takes place. The results of my study show that policies are not only conceived, but also reshaped informally when they come into contact with *mahalla's* 'living law'. Thus, society articulates itself under conditions characterised by the absence of rule of law, leading to the emergence of a dichotomy between centrally designed laws and policies, and the local *mahalla*-based social order. From this perspective, the more the focus moves from macro- to micro-level analyses of public policy developments in Central Asia, the more it becomes discernible that everyday life is regulated by the *mahalla's* 'living law'.

When talking of the role of *mahalla* as a socio-political structure, the attention should be placed on the *mahalla's* short-term gains and long-term impact. As shown in Article I of the thesis, there is a need to consider the role of the *mahalla* when explaining how political and social stability is maintained in Uzbekistan (Urinboyev, 2011). Due to its social control function and ability to provide alternative social safety nets, *mahalla* contributes to political stability in Uzbekistan. This can be considered as a short-term gain of *mahalla*. However, the reach of the *mahalla* as a 'political stability project' is limited in the sense that it can only address the micro-level issues, not the macro-level problems, thereby preserving the coercion-based political environment in Uzbekistan. In addition, *mahalla* as a traditional site of political production preserves the existing social hierarchies, stratification and patriarchal norms, thereby preventing the occurrence of real democratic changes in Uzbekistan. In this regard, the thesis highlights the need for the introduction of new factors into a social arena (e.g. additional capital, innovative forms of social control, or the depletion of old elements) as a means to promote legitimate and long-term political stability in Uzbekistan in particular, and Central Asia in general.

Conclusions: Addressing the Overarching Research Question

The state-society relations and political stability strategies in post-Soviet Central Asia are highly influenced by the discourse of enduring dangers and threats. As the thesis findings indicate, this discourse is losing its credibility in the light of deteriorating economic conditions. In the words of many of those I encountered in rural Ferghana, 'the state no longer exists', is simply 'dead' in Uzbekistan. Everyday life and daily conversations in rural Ferghana were mostly concerned with informal coping strategies or job opportunities in Russia. People often mentioned the word 'government' when talking about unaffordable healthcare costs, unemployment, corrupt state officials, and gas and electricity cuts. Sometimes, the people I encountered also gave credit to the government when drawing parallels to worn-torn Afghanistan and unstable Kyrgyzstan, thereby acknowledging the ability of the state to maintain political stability. Hence, my fieldwork findings show that the legitimacy of the state and its symbols are not only based on the state's ability to maintain political stability and security, but also perceived in terms of the state's capacity to secure the basic needs of its citizens.

The thesis findings also illustrated that states in Central Asia face enormous resistance from social forces in implementing their laws and policies. Such social forces, ranging from religious movements, patron-client networks to networks of reciprocity and neighbourhood organisations, deplete the state's organisational prowess. In this thesis the emphasis has been placed on the *mahalla* as a socio-political structure that produces an alternative system of informal rules (living law) that influence social relations and everyday life more forcibly than the state's laws. Despite the *mahalla*'s short term gains as a 'palliative mechanism' that provides short-term solutions to political stability challenges, the results of this thesis show that *mahalla*-type informal institutions cannot address the large-scale problems, thereby preserving the shaky, illegitimate and coercion-based political environment in Uzbekistan. It was also noted that *mahalla*-based governance does retain the social hierarchies, stratification and patriarchal norms in Uzbekistan.

As shown above, the state-society relations in post-Soviet Central Asia continue to be trapped in the 'discourse of danger' that makes it difficult to envisage what the possibilities are to promote legitimate and long-term political stability in the region. This leads us to the three general means/policy options that states have at their disposal to promote political stability. As the thesis findings indicate, the states in Central Asia increasingly rely on coercion and informal institutions as means of political stability, and virtually do not utilise welfare as a mean for promoting political stability. As the analysis of scholarly literature shows, the states in Central Asia are highly vulnerable to waves of political instability due to the absence of genuine economic, political, and social reforms (e.g. Luong, 2000, 2002; Melvin, 2001; Naumkin, 2003, 2005; Ilkhamov, 2004; McMann, 2004; Trisko, 2005; Kandiyoti, 2007). In this regard, most of these studies suggest that there is a need to introduce more intelligent policy strategies that can promote long-term political stability and democratisation in Central Asia.

Migdal *et al.* (1994, p. 22) claim that 'the ability of any social force, including the state, to develop the cohesion and garner the material and symbolic resources to project a meaningful presence at the society-wide level depends on its performance in more circumscribed arenas. The introduction of new factors into an arena, such as additional capital, compelling ideas, or innovative forms of social organisation, or the depletion of old elements, also benefits and harms social forces in very different ways'. The formation of politically stable and democratic nation-states in the countries of Western Europe, notably in Sweden, clearly reflects the ideas of Migdal. The Swedish development experience shows that the welfare can be used both as a 'political stability project' when the state faces instability, and as a 'state-building project' when the state faces resistance from various social forces. The Swedish experience shows that there is a close correlation between the formation of a politically stable democratic nation state and the development of a welfare state.

Although it is always risky to draw parallels to other socio-political contexts, one possible conclusion is that the strong welfare measures could also serve as a legitimate pathway for building politically stable nation-states in Central Asia. However, one can argue that Uzbekistan and Sweden are not comparable due to their diverse contexts, and any attempts to compare them may lead to what has been described by Giovanni Sartori (1991) as 'conceptual stretching' (the distortion that occurs when a concept does not fit new cases). Of course, the local context of the Central Asia significantly

differs from Sweden. One could also refer to the complex geopolitical positioning of Central Asia when contending that welfare as a means of political stability is not sustainable in this region. However, Sartori (1991, p. 246) claims that even 'pears and apples are comparable as fruits, as things that can be eaten, as entities that grow on trees; but incomparable, e.g., in their respective shapes'. Hence, when comparing one should always ask the question: *comparable with respect to which properties or characteristics and incomparable (i.e. too dissimilar) with respect to which other properties or characteristics?* Sartori notes that 'The comparisons in which we sensibly and actually engage are thus the ones between entities whose attributes are in part shared (similar) and in part non-shared (and this we say incomparable)' (*ibid.*). Notably, despite their dissimilar social structures, culture and geopolitical positions, both Sweden and the Central Asian countries suffered from chronic political instability and insecurity: Sweden during the transition from an agricultural to industrial welfare society (1880-1955) and Central Asian countries after the collapse of Soviet Union (1991-2012) during their transition from communism to market economy. In this regard, the means (of political stability) Sweden and Central Asian states utilised to handle political instability can be compared.

As shown in Article II, until the mid-twentieth century, Sweden was a highly unstable, conflict-ridden class society, and there were many radical social forces, such as the Sharpshooters' Association, Syndicalism, Fascist Parties (Svensson *et al.*, 2012). In the light of the growing threat posed by the radical social forces, as well as turbulent labour conflicts, the Swedish Social Democratic Party looked to welfare reforms as a 'political stability and security' project that could effectively mitigate unstable political developments and weaken the position of radical social forces. By implementing universal welfare reforms, the Social Democratic Party succeeded in transforming Sweden from a conflict-ridden to a consensus society, eventually resulting in a politically stable and democratic nation-state.

The thesis findings indicate that states in Central Asia are facing a crisis of legitimacy due to their increasing reliance on coercion and informal institutions as a means of political stability. The collapse of authoritarian regimes in North Africa during the so-called 'Arab spring' shows that coercive strategies and informal institutions are unreliable in the long-run. Many people I met during my fieldwork in rural Ferghana expressed nostalgia for the former Soviet Union, giving credit to the strong social protection policies of the Soviet system. As I observed in my fieldwork, ordinary people are now compelled to turn to informal coping strategies in order to meet their livelihood needs. The image of the state as an agent of social justice is virtually absent in everyday life, whereas the 'living law' of the *mahalla* that promotes social hierarchies and clientalistic norms has become the part and parcel of everyday life. As a result, Central Asian countries are considered to be the most corrupt in international reports and policy documents due to their large informal economies, even though these informal practices have a functional nature and reflect the coping strategies. Although Central Asian states continue to enjoy economic growth even in times of global economic crisis, few Central Asians reaped the rewards. The continuing flow of labour migrants from Central Asia to Russia indicates that economic and social policies of Central Asian countries have failed to secure the basic needs of citizens. As post-Soviet Central Asian states have retreated from offering social-welfare services to society, so is society retreating from loyalty to current governments, evidenced by increased popular disobedience to the (secular) legal system, growing informal economies and the rise of radical religious movements. It is actually the absence of the protective welfare state that makes the political environment of Central Asia unstable. Based on my findings, it can thus be suggested that strong welfare measures could serve as a legitimate pathway for building long-term political stability in Central Asia.

References

Abramson, D.M., 1998. *From Soviet to Mahalla: Community and Transition in Post-Soviet Uzbekistan, Thesis (PhD), Indiana University*. Ann Arbor: UMI Dissertation Services.

Abramson, D.M., 2000. Socialism's Bastard Children. *POLAR: Political and Legal Anthropology Review*, 23, 49–64.

Atkinson, A.B. and Micklewright, J., 1992. *Economic Transformation in Eastern Europe and the Distribution of Income*. Cambridge: Cambridge University Press.

Baykal, A., 2006. From Bolsheviks to Busheviks: The Uzbek Political Elite. *In*: E. O'Carrol, ed. *Reflections*. Vienna: IWM Junior Visiting Fellows' Conferences.

Dadabaev, T., 2004. Post-Soviet Realities of Society in Uzbekistan. *Central Asian Survey*, 23 (2), 141–166.

Falkingham, J., 2005. The End of the Rollercoaster? Growth, Inequality and Poverty in Central Asia and the Caucasus. *Social Policy & Administration*, 39 (4), 340–360.

Fumagalli, M., 2007. Introduction: Stability, Sovereignty, and the Resilience of Politics under Authoritarian Rule. *Central Asian Survey*, 26 (1), 1– 6.

Gleason, G., 2001. Asian Values' and the Democratic Transition in Central Asia. *Harvard Asia Quarterly,*, 5 (1).

Hansen, F.S., 2005. A Grand Strategy for Central Asia. *Problems of Post-Communism*, 52 (2), 45–54.

Human Rights Watch, 2003. *From House to House: Abuses by Mahalla Committees*. New York: Human Rights Watch.

Huntington, S.P., 1968. *Political Order in Changing Societies*. New Haven: Yale University Press.

Ilkhamov, A., 2001. Impoverishment of the Masses in the Transition Period: Signs of an Emerging "New Poor" Identity in Uzbekistan. *Central Asian Survey*, 20 (1), 33–54.

Ilkhamov, A., 2004. The Limits of Centralization: Regional Challenges in Uzbekistan. *In*: *The Transformation of Central Asia. States and Societies from Soviet Rule to Independence*. Ithaca, NY: Cornell University Press, 159–181.

Ilkhamov, A., 2007. Neopatrimonialism, Interest Groups and Patronage Networks: The Impasses of the Governance System in Uzbekistan. *Central Asian Survey*, 26 (1), 65–84.

Kamp, M., 2004. Between Women and the State: Mahalla Committees and Social Welfare in Uzbekistan. *In*: *The Transformation of Central Asia: States and Societies from Soviet Rule to Independence*. Ithaca: Cornell University Press, 29–58.

Kamp, M., 2005. Gender ideals and Income Realities: Discourses about Labour and Gender in Uzbekistan. *Nationalities Papers*, 33 (3), 403–422.

Kandiyoti, D., 1998. Rural Livelihoods and Social Networks in Uzbekistan: Perspectives from Andijan. *Central Asian Survey*, 17 (4), 561–578.

Kandiyoti, D., 2007. Post-Soviet Institutional Design and the Paradoxes of the Uzbek Path. *Central Asian Survey*, 26 (1), 31–48.

Kandiyoti, D. and Azimova, N., 2004. The Communal and the Sacred: Women's World of Ritual in Uzbekistan. *Royal Anthropological Institute*, 10, 327–349.

Kassymbekova, B., 2003. Uzbekistan's Mahalla - A Democratic Tool for Authoritarian Rule [online]. *11/19/2003 issue of the Central Asia-Caucasus Institute Analyst (http://cacianalyst.org)*. Available from: http://www.cacianalyst.org/?q=node/1659 [Accessed25 May 2010].

Kubicek, P., 1998. Authoritarianism in Central Asia: Curse or Cure? *Third World Quarterly*, 19 (1), 29–43.

Libman, A., 2008. The Economic Role of Public Administration in Central Asia: Decentralization and Hybrid Political Regime. Munich Personal RePEc Archive [online]. Available from: http://mpra.ub.uni-muenchen.de/10940/1/MPRA_paper_10940.pdf [Accessed22 Dec 2012].

Luong, P.J., 2000. Sources of Institutional Continuity: the Soviet Legacy in Central Asia. *In*: *Annual Meeting of the American Political Science Association, Washington, D.C., August 31-September 2, 2000*.

Luong, P.J., 2002. *Institutional Change and Political Continuity in Post-Soviet Central Asia: Power, Perceptions, and Pacts*. Cambridge: Cambridge University Press.

Luong, P.J., ed., 2004. *The Transformation of Central Asia. States and Societies from Soviet Rule to Independence*. Ithaca, NY: Cornell University Press.

Markowitz, L.P., 2008. Local Elites, Prokurators and Extraction in Rural Uzbekistan. *Central Asian Survey*, 27 (1), 1–14.

Masaru, S., 2006. The Politics of Civil Society, Mahalla and NGOs: Uzbekistan. *In*: L. Osamu and U. Tomohiko, eds. *Reconstruction and Interaction of Slavic Eurasia and Its Neighbouring Worlds*. Sapporo: Slavic Research Center, Hokkaido University, 335–370.

Massicard, E. and Trevisani, T., 2003. The Uzbek Mahalla: Between State and Society. *In*: T. Everett-Heath, ed. *Central Asia: Aspects of Transition*. London and New York: Routledge and Curzon, 205–218.

McMann, K., 2007. The Shrinking of the Welfare State: Central Asians' Assessments of Soviet and Post-Soviet Governance. *In*: J. Sahadeo and R. Zanca, eds. *Everyday Life in Central Asia: Past and Present*. Bloomington, IN: Indiana University Press, 233–247.

McMann, K.M., 2004. The Civic Realm in Kyrgyzstan: Soviet Economic Legacies and Activists' Expectations. *In*: *The Transformation of Central Asia. States and Societies from Soviet Rule to Independence*. Ithaca: NY: Cornell University Press, 213–245.

Melvin, N., 2004. Authoritarian Pathways in Central Asia: A Comparison of Kazakhstan, the Kyrgyz Republic, and Uzbekistan. *Democracy and Pluralism in Central Eurasia, London: Frank Cass, Cummings Center Series*, 127–128.

Melvin, N.J., 2000. *Uzbekistan: Transition to Authoritarianism on the Silk Road*. Amsterdam: Harwood Academic.

Melvin, N.J., 2001. Patterns of Centre-Regional Relations in Central Asia: The Cases of Kazakhstan, the Kyrgyz Republic and Uzbekistan. *Regional & Federal Studies*, 11 (3), 165–193.

Migdal, J.S., Kohli, A., and Shue, V., eds., 1994. *State Power and Social Forces: Domination and Transformation in the Third World*. Cambridge; New York: Cambridge University Press.

Naumkin, V.V., 2003. Militant Islam in Central Asia: The Case of the Islamic Movement of Uzbekistan. *Berkeley Program in Soviet and Post-Soviet Studies Working Paper Series*.

Naumkin, V.V., 2005. *Radical Islam in Central Asia: Between Pen and Rifle*. Lanham, MD: Rowman & Littlefield Pub Inc.

Nunn, S., Rubin, B.R., and Lubin, N., 1999. *Calming the Ferghana Valley: Development and Dialogue in the Heart of Central Asia*. New York: Century Foundation Press.

Open Society Institute LGI, 2002. Local Government Situation and Development Prospects in the Countries of Central Asia. Regional Report on the Development of Local Self-Governments in Central Asia Countries.

Perlman, B.J. and Gleason, G., 2007. Cultural Determinism versus Administrative Logic: Asian Values and Administrative Reform in Kazakhstan and Uzbekistan. *International Journal of Public Administration*, 30 (12-14), 1327–1342.

Pottenger, J.R., 2004. Civil Society, Religious Freedom, and Islam Karimov: Uzbekistan's Struggle for a Decent Society. *Central Asian Survey*, 23 (1), 55–77.

Rasanayagam, J., 2011. Informal Economy, Informal State: The Case of Uzbekistan. *International Journal of Sociology and Social Policy.*, 31 (11/12), 681– 696.

Sartori, G., 1991. Comparing and Miscomparing. *Journal of Theoretical Politics*, 3 (3), 243–257.

Schatz, E., 2001. State Constructivism and Clans in Central Asia. *Davis Center for Russian Studies, Harvard University*.

Sievers, E.W., 2002. Uzbekistan's Mahalla: from Soviet to Absolutist Residential Community Associations. *The Journal of International and Comparative Law at Chicago-Kent*, 2, 91–158.

Starr, S.F., 2006. *Clans, Authoritarian Rulers, and Parliaments in Central Asia*. Central Asia-Caucasus Institute & Silk Road Studies Program.

Svensson, M., 2008. *Sociala Normer och Regelefterlevnad: Trafiksäkerhetsfrågor ur ett Rättssociologiskt Perspektiv*. Lund: Media-Tryck Sociologen, Lunds Universitet.

Svensson, M., 2013. Norms in Law and Society: Towards a Definition of the Socio-Legal Concept of Norms. *In*: M. Baier, ed. *Social and Legal Norms*. Farnham: Ashgate.

Svensson, M., Urinboyev, R., and Åström, K., 2012. Welfare as a Means for Political Stability: A Law and Society Analysis. *European Journal of Social Security*, 14 (2), 64–85.

TI, 2011. Corruption Perceptions Index 2011, Transparency International [online]. Available from: http://cpi.transparency.org/cpi2011/ [Accessed 23 Jan 2012].

Trisko, J.N., 2005. Coping with the Islamist Threat: Analysing Repression in Kazakhstan, Kyrgyzstan and Uzbekistan. *Central Asian Survey*, 24 (4), 373–389.

Urinboyev, R., 2011. Law, Social Norms and Welfare as Means of Public Administration: Case Study of Mahalla Institutions in Uzbekistan. *The NISPAcee Journal of Public Administration and Policy*, 4 (1), 33 – 57.

Urinboyev, R. and Svensson, M., 2013. Corruption in a Culture of Money: Understanding Social Norms in Post-Soviet Uzbekistan. *In*: M. Baier, ed. *Social and Legal Norms*. Aldershot: Ashgate.