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UNGOVERNED SPACES

*Alternatives to State Authority in
an Era of Softened Sovereignty*

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7 Authority outside the State

Non-State Actors and New Institutions in the Middle East

Anne Marie Baylouny

The Middle East appears rife with violent non-state actors operating outside domestic law and international norms. Through state incapacity, economic reforms, or war, increasing areas are untouched by state services or law. Territories are becoming effectively stateless even in the geographic heart of the nominal state itself. States considered strong (Tunisia) or rich (Saudi Arabia) are similarly affected. Yet unlike Hobbes's nightmare of all-out competition and violence, the areas are in fact governed. Instead of chaos in spaces where state sovereignty is sparse or absent, alternative authorities arise. New actors and institutions fulfill roles previously considered the preserve of the state. Gangs, militias, thugs, local men of influence, and religious political parties are the main contenders for authority. These actors and their authority are not traditional or longstanding; they are newly successful, self-made leaders. They establish authority through services to the community and legitimate it in terms of religion, identity, or violence.¹

Who governs areas unregulated by the state, and how is their authority generated? What must an individual do to become an authority?² In most Western analyses of the Middle East, authorities are presumed to be preexisting, carried over from traditional allegiances such as tribes and longstanding wealthy or landowning families. Alternatively, non-state actors, whether armed or with political agendas, are assumed to either control the areas or be easily capable of doing so. Policymakers, journalists, and many scholars consider unregulated areas automatic prey to Islamists and other extremist

ideologies.³ The residents of the areas and their motivations for acknowledging one authority or another are typically missing from these descriptions.

States and the international community fear the potential insecurity produced by these areas and the likelihood that they will harbor terrorists and criminals and foment civil unrest and rebellion against state authorities. These fears are sometimes but not always well founded. These security outcomes are neither immediate nor direct but may be side effects of local rule based on alternative institutions and authority structures. Anti-state political organizing is not endemic to these areas but can arise when basic life concerns of residents are threatened. In many cases local institutions are weak and unable to reject troublemaking residents. In others, emerging actors and institutions with more legitimacy than the absentee state regard the government as a threat to their existence and bond easily with outlaws in common cause.

This chapter examines the constituent elements of authority in alternatively governed areas and finds that authority is tied to the provision of substantive services to the population.⁴ Yet while the social welfare services of Islamists have received much attention, it is not these practices that are central to authority, but rather policing and conflict resolution. The relations among residents in informal and unregulated areas are often problematic, complicated by mundane neighborhood concerns. Those able to regulate and organize relations, minimize conflict, and create peaceful order among the inhabitants have influence. With investment in the community, this can become authority. Initially, influence can stem from market success, the threat of violence, or the organization of public space. If it is not utilized for conflict resolution, and if the power holder is not viewed as fair in his dealings with residents, however, he will not become an authority.⁵

Three variables govern the generation of authority in areas of the Middle East unregulated by the state: the initial basis for claiming influence, the method of legitimation, and the services that popularly validate the claim to authority. Through an examination of the types of authority and their roles in Middle Eastern communities, I delineate the common institutions organized by non-state authorities. These institutions indicate what practices and services furnish authority, and ultimately legitimacy, in unregulated contexts. Many posit that demands for public goods that the state does not provide—what Rodney Hall and Thomas Biersteker call “functional holes”—are integral to the rise of private authority. However, what specific goods and services confer authority to private non-state actors is not specified. I contribute to

identifying the institutions and public goods that are at the heart of authority creation in relatively ungoverned, or unregulated, spaces.⁶ Although the fulfillment of key functions leads to influence in the community and acquiescence to governance, this dynamic does not necessarily imply either legitimacy or approval. Notwithstanding the population's benefits from services and governance, non-state rule can be brutal, arbitrary, and oppressive, a fact not lost on the community.⁷ Through an examination of the central roles empowering local leaders, this study seeks to uncover community priorities, the institutions considered necessary for daily life. An aspiring authority—unjust or not—who provides needed functions thus validates his prestige and leadership.

Few studies explore the substance of alternative authorities in the Middle East from the grassroots perspective. This study utilizes existing scholarship in addition to the author's fieldwork to arrive at a hypothesis regarding authority generation in these areas. Individuals become alternative authorities in large part by providing necessary and basic services. Alternative authorities provide services of infrastructure, policing and arbitration, mediation with the state, social services, and welfare. Their activities can further extend to economic connections and business aid. This chapter begins by first presenting the differing types of unregulated spaces and the various forms of authority in them. It then examines each of the institutions that are created to substantiate authority and finally the prevalent forms of legitimation for that authority—religious, identity, and violent. Data are primarily from Egypt, Algeria, Tunisia, the Palestinian territories, Lebanon, Syria, Jordan, and Iraq, supplemented with research on other countries in the region. Data for the militias come from Lebanon.

Types of Authorities, Their Spaces, and Services

Many types of areas in the Middle East are outside state regulation. Most consist of a dynamic mix of new groups and socioeconomic classes, including the long-urbanized middle and lower classes and individuals with full-time formal jobs. Opposition to the state in its law-and-order functions is essential to securing a livelihood in many of these cases; in others, it is a by-product of organizing separate services and local governance and locating allies in these pursuits.⁸ Contact with the state for residents of informal communities is necessarily adversarial because title to the land on which they live is not

established. The majority of work in these areas also is informal.⁹ Residents experience state authority as a threat to home and work, as police attempt to shut down or extract bribes from informal employment and periodically evict the residents of informal housing. Governments regard these extralegal communities as security threats that potentially hide criminals or terrorists and therefore bulldoze shanties and evict residents or arrest them in security sweeps.¹⁰ In 1991, for instance, Algerians living in informal housing voted for the main opposition party in Algeria, the Islamic Salvation Front, because they viewed their interests as similar.¹¹ De facto authorities who are able to mediate with the state and keep police away accrue prestige in informal communities. The corruption of law enforcement often drives the populace to rely on intermediaries who are able to bribe and negotiate with officials of the state. Many local authorities invest heavily in cultivating a relationship with the state, and state authorities in turn informally rely upon these figures to mediate with residents of these unregulated spaces. The state has little direct relation with these citizens.¹²

The inhabitants of areas unregulated by the state create a variety of individual and collective arrangements to meet daily needs. Individual accommodations include tapping into existing utilities, such as water and power, off the meter and attempting to remain invisible to the state.¹³ Some residents are wary about any collective organizing, preferring to act alone. For others, collective institutions of arbitration or policing and service provision are desirable. The latter can encompass basic public services such as electricity, water, sewage, and garbage disposal and can extend to the provision of day care or the organization of sports teams, tutoring, and personal loans. Policing includes arbitration of disputes and the regulation of social behavior in public spaces. In militia-controlled areas, services can be more elaborate, including the establishment of institutions for governance and justice. Leaders of lineage and village associations are expected to furnish welfare and employment networks. There is, however, less demand for arbitration for these groups when members' residences are not geographically concentrated.

The specific mix of institutions depends on capacity and need. Institutional capacity turns upon the existence of resources, potential leadership, and non-competition among power holders. The needs and desires of residents and the type of unregulated space constitute the second layer of variables determining institutional outcomes. Ungoverned spaces vary in the services they receive from the state; some lack basic sewage, while others have fundamental

infrastructure but not social welfare. The extreme cases are found in squatter settlements and refugee camps, where state services and basic infrastructure are often nonexistent. Militias that contest and supplant the authority of the state likewise rule over areas with numerous needs. When they claim to substitute for the state, the call for absent services falls on them, although an adequate or any response is not necessarily forthcoming.

In general, after infrastructure, the priorities in collective institutions are the arbitration of disputes and policing of public spaces, and the provision of social services. Authorities can extend this into moral governance, a role most often performed by religious and political groups rather than individuals. While institutional creation in these areas can be quite dynamic, the generation of new accommodations to meet daily needs is not a given. Many areas have little to none of the services described here. Furthermore, even when services exist, the population is not necessarily equally served; the resulting institutions are often arbitrary and discriminatory.

Institutions for collective goods can be established only when a monopoly of power exists. Even in an area as small as an alleyway (*hara*), only one authority figure dominates. Residents of informal settlements are able to identify the exact geographical boundaries of each power holder—where one's influence ends and another's begins.¹⁴ Competition constrains actors to struggle for dominance, forestalling the development of governance institutions. Militias in the Lebanese civil war that competed for control of territory, for instance, did not establish governance and service institutions. Even when the ideological bent of one of the approximately one hundred militias involved in that conflict promoted service and governance institutions, the group was unable to do so without a political monopoly and territorial control.

Alternative authorities generally start out as newcomers to the power game, concerned with obtaining a higher social status. They begin their claim to influence with either economic success or physical ability. These individuals made money and connections or obtained influence through the use of violence. In both cases, they must also have a reputation for fairness, honesty, and good works in the community. A reputation as a man of honor can be obtained through repeated interactions with constituents, but this takes time. Patronage of religious institutions, by contrast, is a fast but not mandatory method for demonstrating moral uprightness, and religion can serve as a shortcut to such a reputation. Militias can also impose their authority purely through force, but they usually also rely on political ideologies to justify their

rule. Nevertheless, religion, political ideology, and reputation are not sufficient to cement a position of authority. To become an authority, one must furnish services and mediate with state authorities. Would-be authorities either intercede with state institutions on behalf of community members or replace the state entirely.

Authorities in unplanned or informal settlements are often successful merchants, real estate brokers, or contractors. They are known to residents and understood to deserve respect, deference, and admiration as men who have more power than those around them. Their status and influence are specific to a local area.¹⁵ They are active in local organizations and charities and have personal connections with police and state authorities. They intercede for residents when necessary, obtain permits for weddings, and assure that the police stay away. The relationship is not one-sided; the authority has responsibilities to care for residents, pay the cost of reconciliation meetings, and aid those in need.

Violent authorities or specialists in violence obtain influence by forcibly ordering and policing unregulated spaces, often at the behest of residents. Militias order their territory by force; in some areas a militia and its accompanying political party is often the only game in town for residents. The validation of these groups' authority comes from their physical prowess and success in battles, yet this form of legitimization alone does not suffice. Militia wars must be viewed as necessary by the populace. The thugs enforcing street order must be perceived to be honest and fair to their constituent population.¹⁶ The provision of an acceptable level of social welfare and public goods by violent authorities is an advertisement for the group's ability to rule and a consequence of their success in replacing the state. Political parties that rule refugee camps and militias that subjugate areas taken from the state assume a broad range of roles typically ascribed to the state, including infrastructure, policing, welfare, and moral governance.

In the same way, leadership by identity-based authorities such as hometown or kin associations accrues through their ability to provide aid, welfare, and employment contacts. Power is accorded to potential leaders well connected in business and job circles or those tightly linked to the state and able to secure influence there.¹⁷ Affirmation of the identity's distinction from other social groups helps to solidify the unity of the organization.¹⁸ Here the priority of community public goods is clear, as the leaders are voted in or out of office on the basis of their provision of economic aid and job networks rather than their identity.

Dispute Settlement and Policing

Central to community cohesion are the policing of public space and fair arbitration of disagreements among residents. Both can extend into normative governance. Local dispute settlement is particularly important as rules and ownership in these ungoverned territories are informal. Various problems occur that need to be resolved for the parties to continue to live in the same neighborhood. This can include fights started by children in which adults, including women, become physically involved. Sides are taken, and the life of the community is disrupted. Even when the dispute is over, a reconciliation meeting (*musalaha*) is often held to "bury the hatchet" and soothe sore feelings. Candidates who ran in local and national elections on the platform of services to residents of informal neighborhoods won the wholehearted support of those residents, particularly when the candidates acted against criminals in the community.¹⁹ Islamic activists garner influence in neighborhoods through mediating social and economic disputes.²⁰ Not all disputes can be resolved, however, and community mechanisms are often ill-equipped for many such conflicts; for instance, the community often cannot handle problems involving violent individuals and drugs. The police nevertheless will not be called because residents believe their typical response is likely to be wholesale arrests, including of the victims.

Local authorities also regulate social behavior in the street and public spaces. Responding to dangers for women in public areas is a common source of authority. In Algeria, where women faced problems with men when they went out in the streets, the local Islamists regulated male behavior in public, which spurred women to support the Islamists politically. The Islamist political party's platform incorporated concerns over threats in public spaces.²¹ In areas of Tunisia, as a public space became unregulated by the state, it was taken over by drunk young men. Public drunkenness was a threat both to women and to their families' ability to use public spaces without being harassed. In the absence of state authority, female residents turned to religion, specifically the authority of the mosque, for help regulating the streets. The mosque took over the building where the drinking was taking place and enforced regulations for social behavior in public. While previously the mosque had had a marginal role in the quarter, it subsequently assumed the tasks of arbitrating right and wrong, proper and improper behavior, which gave its leaders a degree of civil authority within the community.²²

Settlement of disputes is likewise a central role of militia institutions. The Lebanese Hizbullah, for example, take the lead in preventing intracommunal squabbles that threaten the social order. The organization established a judicial system of courts to prosecute crimes and mediation to deal with the problem of blood feuds. In the event mediation is unsuccessful, Hizbullah leaders will forcibly impose solutions on the parties to keep vendettas from escalating into tit-for-tat murders. The organization has mediated more than two hundred such feuds since its establishment in the early to mid-1980s, enacted reconciliation rituals involving both parties, and itself paid a handsome portion of the compensation to the aggrieved parties.²³

Militias perform actual policing. The impetus for the development of policing institutions within militias stems from leaders' desire to prevent abuses of power among militia personnel themselves and thus maintain relations with the populace and preserve the militia hierarchy. The various militias of the Lebanese civil war established civil police bodies once their territory was secured. The earliest institutions of the Christian Lebanese Forces were set up to prevent crime and later evolved into a police force and military court system.²⁴ In the Druze or Progressive Socialist Party militia territory, the Civil Association of the Mountain instituted a police force to enact quick punishments, particularly for party members.²⁵ The Palestine Liberation Organization (PLO) used the Palestinian Armed Struggle Command as a police force and provided mediation and adjudication. It established a revolutionary court to prosecute violations by armed forces and serious crimes by the populace and to mediate factional disputes.²⁶ Today, by contrast, many Palestinian camps in Lebanon are without funding or support from the PLO, and no single faction is in control. Popular committees representing all the main factions run the camps, but there are no mechanisms of accountability or policing. Charities related to Hamas operate in some of the camps but are unable to provide law and order because none is dominant.²⁷

Public Services and Welfare

Public infrastructure and welfare are some of the main services typically performed by alternative authorities. From basic clean water, sewage, and utilities, these services can extend to the organization of sports teams, tutoring for students, the lending of money, and the establishment of economic development centers. As militias and political parties already are collectively

and hierarchically organized, they have been the most efficient providers of public services. Residents of areas that lie outside the scope of state services take on a number of these tasks themselves. Identity groups build health clinics and provide job training in addition to periodic financial aid, loans, and welfare stipends.²⁸

The militias that held consolidated territory in Lebanon invested in elaborate public services and welfare, but most began by providing basic infrastructure. The need for essential services such as clean water and electricity, for instance, spurred the formation of a public service administration for members of the Druze community. Apart from the health and educational aid that came from international bodies, the PLO was almost completely responsible for the Palestinian camp community, from roads to sewage. Hizbullah in its infancy in the mid-1980s provided electricity, drinking water, and garbage collection for the southern suburbs of Beirut where government services were absent, and still furnishes water and garbage services.

Others were more ambitious. The Lebanese Forces, a right-wing Christian coalition formed in the mid-1970s, furnished a wide array of services including security, infrastructure repairs, street cleaning, and garbage collection through its Popular Committees.²⁹ The Lebanese Forces' social service institution also furnished low-cost housing, health care, and schooling assistance, among other services.³⁰ Later, the coalition opened the Social Welfare Agency to help the needy by connecting them with those able to provide assistance. With thirty-five branch offices, the agency regularly aided twenty-five thousand families.³¹ The PLO in the refugee camps in Lebanon provided services to orphans, refugees, and the wounded early in its tenure.³² Other PLO institutions concentrated on education and child care, including extensive prenatal and postnatal care, and kindergartens. Educational programs included vocational and technical training, for women as well as men, summer camps, sports, and literacy drives. The organization provided medical and dental care, while prosthetic services were advanced to the degree that the devices were manufactured in the camps.³³ Healthcare institutions for the Druze militia began with providing food for fighters,³⁴ and care for the dependents of militia fighters followed. Basic services and education expenditures came to constitute between 40 and 45 percent of the Druze group's budget. With the aid of international and national agencies, this militia built new schools, started economic ventures, and repaired homes and businesses.³⁵ It provided loans, monthly family support, grants,

scholarships, and payments to thousands of families that had lost a breadwinner in the war.³⁶

Hizbullah is well-known for its social services and management of the neglected southern areas of Beirut. The organization rebuilt almost eleven thousand institutions, homes, schools, shops, hospitals, infirmaries, mosques, agricultural cooperatives, and cultural centers and constructed seventy-eight new ones as of 2004. It provides health care at cheap, subsidized rates; financial aid for education; and low-cost loans.³⁷ Three-quarters of a million people were aided in its health centers in 2004.³⁸ The movement provides agricultural, irrigation, and veterinary services and has established a free transport system and a restaurant with free meals to the poor, in addition to low-price supermarkets, pharmacies, and clinics. Its participation in local government and provision of social services earned a United Nations best practices award for the municipality.³⁹ Currently the organization is engaged in wholesale reconstruction of homes and infrastructure in its area that were damaged or destroyed during the 2006 war.

The Creation of Non-state Authority: Religion, Violence, and Identity as Mechanisms of Legitimizing Power

All these services provided outside the purview of the state are backed up by ideological justifications for rule. Religion is a prominent source of legitimation, as it encompasses built-in morality, access to resources, a legacy of influence, and concerns for justice. Religion has established practical and normative systems that include leaders and authority networks and methods of communication to the community, as well as symbols and rituals linked to collective identity.⁴⁰ Public services are often organized through mosques, as they function as a substitute community center, a role common to religious institutions globally. Social services from child care to training programs take place at the mosque, and often sports clubs and educational classes as well.⁴¹ Paired with charity and social welfare aid, as it frequently is, religion draws on the additional prestige of these socially rewarded tasks.

The centrality of morality and rectitude in religion is a boon to authority-seekers, for whom a reputation for fairness and honesty is another key attribute important in their local authority. Businesses utilize religious idioms to benefit from the honest reputation and social status accorded to the religious and also to distinguish themselves from other players in the economic field.

In this guise, Islam has been used to target markets by creating a consumer niche of goods with the Islamic label from Islamic vacations to Mecca Cola,⁴² just as businesses in the United States promote themselves using the Christian fish symbol to indicate their religiosity. Various versions of Islam provide this religious distinction, not solely Salafi or strict Sunni Islam (most commonly referred to as fundamentalist). Mystic Sufi orders provide networks and legitimation, as do Shi'a groups and smaller sects. Indeed, religion as an alternative authority can also trump gender and age hierarchies. As young girls in Lebanon became experts in religious knowledge, their familial status changed as their parents deferred to this knowledge.⁴³ Similarly, young men with expertise in Islam increased their weight in the family and extended this influence to regulating the behavior and social relations of female family members.⁴⁴

The legitimating power of religion works for both residents and the state, as both consider wealth and ownership to be justified when the individual has contributed significantly to charities and religious endowments. In one case, certain citizens whose status in the community was rising funded the construction of mosques, thereby insuring themselves against both raids by state police on their untitled homes and their neighbors' resentment.⁴⁵ The mosque is particularly central to the life of the community in unplanned areas without state amenities because social services are concentrated there. Religion and morality are also used to compel adherence to codes of social behavior. In cases of disputes over ownership or use of a building or the payment of rent, for example, local notables can invoke religious tenets to persuade disputants to settle their differences or comply with community norms.⁴⁶

As prominent and pervasive as religious legitimation is, it is by no means the sole source of validation for the exercise of power. Violence that is perceived to be necessary to preserve a community against enemies is a source of legitimacy for thugs and militias, and the construction of such enemies justifies the violent regulation of public space. Militias use their representation of the fight against the adversary to justify their power in the community, which they typically back up with a political ideology that can be secular or religious. This sort of legitimacy was amply demonstrated in the positive opinions of Hizbullah by Lebanese across sectarian lines at the height of the 2006 war with Israel.⁴⁷

Another form of violent authority rests on brute force or thuggishness, used in conjunction with good reputation or religiosity. The reputation of the thug for fairness and the value of his organizing skills justify his arrogation

of power. Where no moral or civil authority exists, as in much of the Palestinian West Bank territories today, or where individuals do not acquiesce to the local authority, residents may resort to the services of thugs or specialists in violence.⁴⁸ Specialists in violence can be called on to organize taxi lines at checkpoints, for instance, to prevent cutting in line or "stealing" other people's business. In another example, masked youths in the Palestinian intifada enforced decrees by the political organizations and made sure retail shops stayed open.⁴⁹ These street-level authorities are often well disciplined, hierarchical, and orderly and can be composed of individuals from respectable professions who have formal jobs.

Common identity is a third source of legitimation. As with the other forms of justification for power, identity legitimation is effective only when it is invoked in conjunction with the kinds of services and institutions described above. Hometown and lineage groups and militias promote identities distinct from the rest of society or a specified enemy. While group identity rationalizes limiting leadership to those within the particular group, it does not indicate who in the group will lead. In hometown and kin groups, members elect and judge leaders on the basis of their ability to provide employment and their useful connections with state institutions.

Militias in control of territory often use education and the media in their attempts to establish legitimacy through ideological identity. The militias in Lebanon, for example, changed school textbooks, resurrected or outright created a particular version of history, and promoted new cultural rituals to consolidate their position as a legitimate authority. Dozens of television stations operated unofficially during the war, in addition to numerous new radio stations and newspapers operated by the various factions. The Lebanese Forces ran a weekly paper, a radio station, and the Lebanese Broadcasting Company, a television station that continued after the war as one of the top stations in Lebanon and the Arab world.⁵⁰

Identity promotion did not stop there. The Lebanese Forces advanced a "Phoenician" ideology, asserting the essential differences of Lebanese Christians as non-Arabs and their constitution as a separate nation.⁵¹ For the public schools under their jurisdiction, by contrast, the Druze revised existing textbooks and published history books of their own that played down this competing Phoenician history of the Lebanese Forces and expanded on Druze history and culture throughout Lebanon and neighboring countries. Druze education emphasized socialist values, sacrifice for the country,

and scouting, while their cultural promotion extended to a new flag and the establishment of museums.⁵²

The PLO for its part has promoted a new culture and distinct sense of nationhood through the arts, theater, and traditional crafts.⁵³ Holidays and celebrations focused on an abstract Palestinian nation, celebrating Land Day, important battles, and the fight with the Jordanian regime, and streets were renamed for political factions.⁵⁴ Hizbullah uses numerous rituals and symbols to promote both the uniqueness and validity of the Shi'a identity in Lebanon; the group has also transformed and tamed religious rituals, eliminated their excesses, and closely regulates events.⁵⁵ Festivals, parades, and cultural museums reinforce the separate identity of the inhabitants of the southern Beirut suburbs, whose spatial territory is clearly demarked by Hizbullah signs.⁵⁶

Conclusion

Authority creation and leadership in the Middle East are dynamic processes. In areas under the regulation of the state and outside it, new socioeconomic actors have arisen who offer essential services—policing or arbitration and social services—that garner them influence in the community. The legitimation of power holders' influence among the residents draws upon religion, identity, or violence. Newly successful individuals, whether financially prosperous or violently skilled, must demonstrate service, honesty, and fairness to the community before being accorded authority.

Residents and authorities in unregulated areas are not necessarily opposed to the state or a threat to it. For many residents, opposition to the state is a result of fearing state actions against their untitled housing and informal jobs. The state, with the potential to take away housing and fine or imprison residents, represents only a threat to these people. In most cases these fears are correct. Unable to differentiate among residents, state officials apply uniform punishments against all residents of these areas when they assert state authority. Areas have been leveled or residents rounded up by police. No benefits flow from the state, no services, policing, or infrastructure. Residents' apolitical desire to avoid the state can align with criminal and terrorist groups' own goals, and common cause can be made in the shared attempt to evade the state. Political stances opposed to the state can arise from this dynamic.

Lacking an alliance with groups that have political or criminal goals, residents and their leaders are willing to be co-opted by the state rather than

compete with it. Local leaders serve as intermediaries for the state in connecting with residents and in return can satisfy their social status desires through elected or administrative positions. Indeed, even many political and violent actors have been incorporated into state institutions with the right incentive of decentralized autonomy for the region. States in the Middle East have not pressed their authority onto unregulated areas because of their lack of capacity economically and administratively. States have been unable to keep pace with rapid urbanization while at the same time shrinking their realm of service provision. The need to decrease state expenditure translates into withdrawing services and state administration from many areas, or not establishing them to begin with in new urban neighborhoods considered to be low priority. Social groups key to the state are unaffected: gated housing and private goods substitute for state services among the upper classes. In other areas, nongovernmental groups take up economic and infrastructure tasks. This corresponds both to an ideological turn to a small state with civil society taking up the slack and to the state's fiscal inability to furnish services itself. In still other cases, armed groups politically dispute the legitimacy of the state. Overt opposition to the state does not always translate into pitched battles for state overthrow, however; many rebel groups are happy to rule their small areas without expanding, and states unable to route them find a hands-off accommodation acceptable.

Notes

The views expressed in this chapter are the author's alone and do not represent the Naval Postgraduate School, the U.S. government, or any other institutional affiliation.

1. This categorization differs from that used by Rodney Hall and Thomas Biersteker, who divide authority into market, moral, or illicit forms. Rodney Bruce Hall and Thomas J. Biersteker, eds., *The Emergence of Private Authority in Global Governance* (New York: Cambridge University Press, 2002). The present analysis distinguishes the initial basis for claiming influence, the methods of legitimation, and the services the individual or group provides for the populace that validate the claim to authority.

2. Authority in this context means the exercise of power that is considered legitimate or is willingly conceded by the population. Power holders use systems of meaning to bolster their claim to authority; however, they are not necessarily authorities.

3. Angel Rabasa and John E. Peters, "Comparative Analysis of Case Studies," in *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, ed. Angel Rabasa, Steven Boraz, Peter Chalk, Kim Cragin, Theodore W. Karasik, Jennifer D. P. Moroney, Kevin A. O'Brien, and John E. Peters (Santa Monica, CA: Rand Corporation, 2007).

4. As William Reno noted, the distinction between collective and private interests in authority is a crucial one. William Reno, *Warlord Politics and African States* (Boulder, CO: Lynne Rienner, 1999).

5. In all the cases here, the authorities are male.

6. Thomas J. Biersteker and Rodney Bruce Hall, "Private Authority as Global Governance," in *The Emergence of Private Authority in Global Governance*, ed. Rodney Bruce Hall and Thomas J. Biersteker (New York: Cambridge University Press, 2002), 203–22.

7. This should not imply that state rule is less oppressive.

8. Asef Bayat, "From 'Dangerous Classes' to 'Quiet Rebels': Politics of the Urban Subaltern in the Global South," *International Sociology* 15, no. 3 (2000): 533–57; Asef Bayat, "Un-Civil Society: The Politics of the Informal People," *Third World Quarterly* 18, no. 1 (1997): 53–72.

9. Katarzyna Grabska, "Marginalization in Urban Spaces of the Global South: Urban Refugees in Cairo," *Journal of Refugee Studies* 19, no. 3 (2006): 287–307; Georg Stauth, "Gamaliyya: Informal Economy and Social Life in a Popular Quarter of Cairo," in *Informal Sector in Egypt*, ed. Nicholas Hopkins (Cairo: Cairo Papers in the Social Sciences, 1991); Salwa Ismail, *Political Life in Cairo's New Quarters: Encountering the Everyday State* (Minneapolis: University of Minnesota Press, 2006), xxi; Bayat, "Un-Civil Society"; Rebecca Miles Doan, "Class Differentiation and the Informal Sector in Amman, Jordan," *International Journal of Middle East Studies* 24, no. 1 (1992): 27–38.

10. Ninette Fahmy, "A Culture of Poverty or the Poverty of a Culture? Informal Settlements and the Debate over the State-Society Relationship in Egypt," *Middle East Journal* 58, no. 4 (2004): 1–115.

11. Salwa Ismail, *Rethinking Islamist Politics: Culture, the State, and Islamism* (New York: I. B. Tauris, 2003), 133.

12. Ismail, *Political Life*, ch. 2.

13. Bayat, "Un-Civil Society"; Asef Bayat, "Cairo's Poor: Dilemmas of Survival and Solidarity," *Middle East Report*, no. 202 (1996): 2–12.

14. Ismail, *Political Life*, 36.

15. *Ibid.*

16. There are numerous studies on the characteristics of the Mafioso or social bandit. See, for example, Diego Gambetta, *The Sicilian Mafia: The Business of Private Protection* (Cambridge, MA: Harvard University Press, 1993); E. J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York: W. W. Norton, 1959); and Pino Arlacchi, "The Mafioso: From Man of Honour to Entrepreneur," *New Left Review*, no. 118 (1979): 53–72.

17. Anne Marie Baylouny, *Privatizing Welfare in the Middle East: Kin Mutual Aid Associations in Jordan and Lebanon* (Bloomington, Indiana University Press, 2010), ch. 6.

18. Tahire Erman, "Becoming 'Urban' or Remaining 'Rural': The Views of Turkish Rural-to-Urban Migrants on the 'Integration Question,'" *International Journal*

of Middle East Studies 30 (1998): 541–61; Sema Erder, "Where Do You Hail From? Localism and Networks in Istanbul," in *Istanbul: Between the Global and the Local*, ed. Çağlar Keydar (New York: Rowman & Littlefield, 1999).

19. Fahmy, "A Culture of Poverty or the Poverty of a Culture?"

20. Ismail, *Political Life*, 53.

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8 Immigration and Subterranean Sovereignty in South African Cities

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Border control—entry, exit, and movement within a territory—is inextricably tied to globally dominant definitions of spatial control and sovereignty. Under the Manichean rubric that informs much work on contemporary governance, where states are unable to systematically regulate movement into and within space, such spaces appear as only partially governed.¹ However, such designations are premised on a state-centric perspective of governance that ignores other critical forms of regulation and control that emerge when state power is inconsistent or when states act in "irregular" ways.² Through its "worm's-eye" view, this chapter argues that the various actors involved in regulating human mobility—states, citizens, and migrants themselves—act as catalysts for transforming the practice of sovereignty. Where public commitments to law are questionable and enforcement institutions weak, socially rooted regimes of control have emerged to regulate what might outwardly appear as South Africa's ungoverned spaces.

The chapter explores two different subnational regulatory regimes that have evolved around the regulation of human mobility. The first involves African immigrants who have developed and maintained subterranean economies and systems of privatized regulatory orders intended to undermine and frustrate state mechanisms of mobility control. While the state (and statist analysts) may see these as pushing toward anarchy, they contain within them informally and sometimes coercively systematized forms of control that generate important political subjectivities and interactions. Moreover, many of