Thematic Section
Performing In/formality beyond the Dichotomy: An Introduction

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Abstract: This introduction to the special issue "Moving Beyond the Formal/Informal Dichotomy: Implications for Governance" provides an overview of recent debates on informality and argues in favour of understanding in/formality as a performance. Although informality and formality are often presented as opposing or even mutually excluding domains of social practice, ethnographic studies show how they coexist and are intertwined. Our special issue, with studies from the Philippines, Spain, Brazil and Mexico, concentrates on this intertwining of formality and informality, especially in the field of governance. Building upon these contributions to this issue, and the existing literature, this introduction approaches in/formality as a performance and examines the implications of such a view for our understanding of governance.

Keywords: informality, governance, performance, civility, anthropology of the state

Résumé : Cette introduction au numéro spécial « Au-delà de la dichotomie formel/informel : implications pour la gouvernance » donne un aperçu des récents débats sur la question de l'informel et plaide pour une conception de l'in/formel comme performance. Si l'informel et le formel sont souvent présentés comme des champs de pratique sociale opposés, voire mutuellement exclusifs, les études ethnographiques montrent qu'ils coexistent et s'imbriquent l'un dans l'autre. Notre numéro spécial, qui regroupe des études réalisées aux Philippines, en Espagne, au Brésil et au Mexique, se penche sur cette imbrication du formel et de l'informel, en particulier dans le domaine de la gouvernance. S'appuyant sur les contributions à ce numéro et sur la littérature existante, la présente introduction aborde l'in/formel comme performance et examine les implications d'une telle approche pour notre compréhension de la gouvernance.

Mots-clés : informel, gouvernance, performance, civilité, anthropologie de l'Etat

Entwining the Formal and the Informal

In the last decade, in anthropology and other disciplines, there has been a resurgence in studies of informality. Scholarship has taken exciting new approaches to informality and its intersections with politics, governance and planning. For long, the dominant debates on informality have been structured mainly along dichotomous formal/informal, regular/irregular or legal/illegal lines, where government/law equates to formality, or along the Global North/Global South divide, in which the North stands for formality and the South equals informality (Harris 2017; Hilbrandt et al. 2017; McFarlane 2012). Studies that build upon these dichotomies show, for instance, how government programs regulate or eradicate the informal economy or informal settlements or how informal housing practices deregulate formal planning policies. Formality and informality, in such a view, are considered domains that oppose and often exclude each other.

In contrast to these mainstream discussions, ethnographic studies have often demonstrated how formality and informality coexist (Barth 1993; Heyman 1999; Smart 2001; see also analytical overviews such as Lomnitz 1988). Research in legal anthropology, dealing with official and customary law, has convincingly argued that the question of what is in/formal or il/legal is locally situated (Benda-Beckmann 2001). James Scott (1998, 310), in his classic *Seeing Like a State*, emphasised the inseparability of the formal and the informal: "The formal order . . . is always and to some considerable degree parasitic on informal processes, which the formal scheme does not recognize, without which it could not exist and which it alone cannot create or maintain."

Recently, in anthropology, urban studies and critical planning, an increasing number of scholars have emphasised that the formal and the informal are always and everywhere intertwined (for example, Anjaria 2016; Hernández, Kellett, and Allen 2010; McFarlane 2012; Roy 2005; Varley 2013). In this view, the economy, human

settlements, and politics are never structured only along institutional lines, but are also enacted in personalised actions and transactions. Domains that seem very formal also contain informal practices. Likewise, domains that seem very informal are also shaped by formal arrangements and procedures and may later serve to generate new versions of those arrangements. As Koster argues in his contribution to this issue, assemblages of governance always comprise both formal and informal elements. All articles in this issue set out to move beyond the formal/informal dichotomy and aim to find new ways for understanding how formal and informal practices are interconnected. Rather than a dualism, formal and informal are better seen as a duality of modes of interaction and performance, where each is entangled with, and inseparable from, the other and invariably invokes the other mode when it is performed.

Performing In/formality

Indeed, as we see it, the performance of formality invokes informality. Aguilera's study on low-income neighbourhoods in Madrid, in this issue, shows how urban planning techniques such as surveys and cartography produce the formal city and, by leaving particular urban areas out, also invoke the informal city. Informal and formal practices and performances may feed upon each other and exist in symbiosis. Milgram's contribution to this issue shows how Philippine market traders in Baguio turn gifts into commodities that they turn back again into gifts, in a symbiotic exchange between formal and informal sets of practices. However, informality and formality may also contrast and challenge each other; for example, as when formal bureaucracies or legal systems are designed in such a way as to get rid of informal practices (Hart 2010; Varley 2017) or when residents of slums accuse the authorities and real estate developers of informal and fraudulent attempts at eradicating their neighbourhoods, as Müller shows in his article on Mexico City and Rio de Janeiro in this issue. In so doing, he also demonstrates how the performance of informality may come in different guises, varying from living in a slum to "corrupt" exchanges between state representatives and private companies. Both Milgram's and Koster's articles emphasise the thin line between formality and informality, as many performances bring both together. Milgram's article shows how Filipino merchants constantly combine formal and informal transactions: they use their formal income from their commercial businesses to contribute informally to community welfare and, in so doing, nurture their informal customer relationships. In a similar vein, the Brazilian community leaders in Koster's study combine official

roles as neighbourhood representatives in government programs with informal positions as political canvassers in clientelist politics. In these performances, as Milgram also argues, grey spaces are produced in which formality and informality become amalgamated (Yiftachel 2009).

An emphasis on performativity also raises crucial questions about the positionality of actors. Some agents, such as street-level bureaucrats, have the ability to classify actions or situations as conforming to the formal rules, even if superior authorities may overrule such classifications (Lipsky 2010; Smart 2018; Polese et al. 2016). Performative utterances, such as judges sentencing a criminal (Austin 1975), obtain their effectivity from the formal position of the agent. In informal contexts, by contrast, performativity may depend much more on the skill and cultural competence (or lack thereof) of the actor. The distinctive ways in which in/formality is performed may favour people with certain kinds of personal characteristics. Plea bargaining is a good example of an important variety of the informalisation of justice that has resulted in only 3 percent of US federal defendants going to trial in 2010, compared to 19 percent in 1980, creating a situation in which those with privileged positions can more easily benefit (*Economist* 2017, 53). Many states have allowed people with disabilities to beg or sell lottery tickets without a licence, and older people may be more tolerated when selling illegally on the street (Ta 2017). Regimes that regulate informality often create frequent antagonistic encounters between enforcement agents and informal economic actors that may result in male dominance of the domain. In criminal trades like drug trafficking, the need for trust may encourage the dominance in local markets of people from the same ethnic background (Heyman and Smart 1999). Uncertain property rights in early reform China also created great trust problems and encouraged the use of social connections based on shared hometowns to facilitate cross-border economic cooperation that might not otherwise have occurred (Smart 1993).

Gender clearly also influences the performance of informality, as indicated by the predominance of women in markets in many places, notably Southeast Asia (Milgram, this issue), Latin America (Seligmann 2004) and West Africa (Clark 1994). Milgram informs us that the prevalence of female merchants in the market she studied derives from their role as the primary household managers, which has resulted in their knowledge about what gifts are useful and which are surplus and so can be sold, among other matters. Atkinson and Errington (1990) argue that this predominance should be seen in the context of a division of labour and power in which economic resources may not be the most valuable source

of local power. The very predominance of women in markets may make it more difficult for men to compete, because of the nature of the networks already in place. In other spheres of informality and illegality where harsh forms of governmental control are common, men's ability to threaten and deploy violence may be more important. It has also been demonstrated that women tend to be overrepresented in the poorest-paid and most exploitative segments of informal economies, particularly unpaid family labour (Lloy-Evans 2008). In many cases, women's overrepresentation in such exploitative segments of the informal economy is related to the discrimination they face in their access to the formal economy. Limited choices may strongly encourage them to work in the informal sector (Bromley and Wilson 2018). Pushing this observation further, into the debate on intersectionality, we wish to add that social categories such as ethnicity, class and generation contribute to the more vulnerable position of particular groups of women (Lloyd-Evans 2008).

The articles in this special issue primarily begin from an emphasis on informal economic or political activities. This means that their attention to the intersection or entwining of formality and informality tends to emphasise how informality interfaces with formality. However, the reverse direction is also important and raises some different issues for governance. Since we emphasise the need to go beyond the dichotomy and think about the entanglement of formality and informality, we offer a few examples of these complementary trajectories and their implications. If we are to adequately move beyond the in/formal dichotomy, it will be useful to consider how formality relates to and relies upon informality. Avoiding the asymmetry in conventional analyses, where the formal is dominant and mostly unmarked, requires us to consider entanglement of the two modes in both directions. One useful way to avoid the assumptions inherent in an asymmetric analysis is to consider both formality and informality in terms of performativity: analyse their interaction through attending to what people do with, and in the name of, in/formality, rather than adopting prior dichotomous definitions of each mode.

We include in our discussion not just informality as a problem, but also how people enact their formal procedures and arrangements by reference to and through the utilisation of informal practices. Expanding our realm of exploration in this way turns our attention both to bureaucratic procedures, with their reliance on a multitude of forms, and to interpersonal relations, where too much (or too little) formality toward people may offend (Garfinkel 1967; Goffman 1959). As Michael

Herzfeld (1993, 3) has incisively discussed, formalism is fundamental to Western bureaucracies with their commitment to "precisely defined rights," which may produce widespread dissatisfaction with inflexible, unresponsive and ineffective bureaucrats and their "violation of personal autonomy." As he points out, however, such complaints are themselves standardised and often expected, and may be based on general images rather than on personal experiences. Disparaging the "hateful formalism of bureaucracy is itself a conventional, formal act, and identifies areas of tension between official norms and more localized social values" (Herzfeld 1993, 4). In places where patronage was once (even) more dominant in negotiating access to valued resources, bureaucrats may be under pressure to put even greater stress on performing their impartiality, to demonstrate that they are "indifferent" to who or why something is being requested. Much more so than when a bureaucracy is conventionally assumed to be unquestionably impartial, bureaucrats from societies where patronage is endemic need to publicly emphasise their strict adherence to the formal rules. That such public performances may not be the "whole story" does not alter this need for the performance of formalism.

What happens when government officials are interacting with each other, rather than the public, may result in different styles of in/formality. The need for frank discussions of contentious issues may occasion an atmosphere of greater informality, where ideas rather than rank (at least among those with stations high enough to be included in the discussions) influence which proposals are more successful in policy debates. There are, of course, often conventional signals that indicate when such open discussion has been initiated and when it is concluded. It is worth noting that freedom-of-information laws may reduce the scope of such candid discussions, necessitating a greater formality of expression (and less informative content for scholars, journalists and others gaining access to the documents than was likely prior to the legislation). The continued need for informal exchange of information and ideas may result in media for governance changing from meetings with minutes to informal exchanges in corridors or washrooms, or involving the temporary appending of removable sticky notes to documents under deliberation.

Given the contexts, such as cities in the Global South, where informality is particularly common, if not ubiquitous, these dynamics should be very relevant for an examination of the different ways in which the formal/informal intersection operates. Colonial Hong Kong initiated in 1972 one of the world's most effective

anti-corruption campaigns, moving Hong Kong from a condition of endemic corruption in the 1960s to its status as one of the world's least corrupt governments by the late 1970s. A key dimension of this governance reform was to sharply reduce the former discretion of street-level bureaucrats, imposing precise procedures and many more forms to be filled out and followed. While reducing corruption dramatically, this also created a situation where it became more difficult for street-level bureaucrats to respond individually in creative ways to the situations of people making a living in ways that broke the rules in the informal economy. It also created a gap between state and society wherein the practices of everyday sociality (paying the bill for a meal shared with a government officer, for example) had to be set aside for fear of breaking anti-bribery rules. In certain ways and contexts, excessive formality may reduce the effective governance of economic activities and even heighten the risk of legal but socially illegitimate collusion replacing former illegal corruption (Smart 2018).

On a normative level, as Richard Harris (2017) points out, the mainstream approach to informality represents the failure or limitations of governance, planning and development. A contrasting position can be seen in the claim by Peter Evans (1995) that successful developmental states are characterised by the "embedded autonomy" of an internally cohesive state bureaucracy and state connectedness with private sector entrepreneurs. A bureaucracy that is too closed off from societal influences, too committed to formal rules and procedures, may be insufficiently responsive to facilitate development, while one that is too closely bound up with societal or business networks ("for my friends, anything, for my enemies, the law") may fail because of nepotism, corruption and rent-seeking. Evans uses international comparisons to argue that states that have succeeded in developing in recent decades have steered a middle course between excessive societal embeddedness and excessive bureaucratic autonomy (between informality and formality, in our terms).

Interpersonal interactions in society, rather than in government, raise other kinds of questions about formality. How much formality is desirable in particular kinds of relationships? A Victorian bourgeois husband and father would be appalled at the informality at dining tables and in other domestic contexts today, not to mention being addressed by his first name by cashiers and waiters, whereas a contemporary Canadian teenager would find the Victorian demands for manners, respect and obedience oppressive and unacceptable. Harold Garfinkel, one of the pioneers of ethnomethodology, revealed how

seriously such practices and idioms of in/formality can be taken. As one of his infamous "breaching experiments" that he assigned his classes in order to demonstrate the unacknowledged rules and procedures of everyday life, he asked students who lived at home to interact with their family as if they were lodgers in a boarding house (Garfinkel 1967). Their exaggerated politeness was in a number of cases treated as mockery, resulting in serious fights within the family. It is worth noting that incidents like these contributed to the imposition of formal rules restricting research on human subjects without ethical oversight and informed consent (which would clearly have made the breaching exercises non-viable).

Public discussions of civility (usually bemoaning its decline and blaming younger generations or culturally distinct others for not conforming to socially desirable forms of interaction or behaviour in public) raise fascinating issues around the relative desirability of in/formality. Is being too casual in language, dress or comportment a problem, or does it contribute to breaking down inflexible hierarchies and oppressive demands that less powerful individuals "stay in their place," and facilitate innovations? Richard Florida's (2005) widely influential correlation of his "toleration index" with urban economic growth might place weight on the latter conclusion.

The contributions to this special issue have helped to move along the agenda of examining urban governance processes in terms of the entanglement of informal and formal, but there is clearly much more work to be done. We hope that these articles will encourage others to engage in this effort to go beyond the dichotomies and examine in other contexts and ways the inevitable duality of in/formality.

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Acknowledgements

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