

## The dynamics of translocal and transjurisdictional networks: a diasporic perspective

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Diasporic initiatives, implemented ‘from below’ no less than ‘from above’, have played a key role in 500 years of globalisation and have made significant contribution to swings in the global balance of power and wealth. The diasporic networks which non-European migrants have utilised to establish themselves in the global North are far from novel, although their transgressive success has begun to alarm the indigenes of Euro-America. In a last-ditch effort to sustain the established global order, Northern jurisdictions are currently seeking to criminalise the ‘informal’ dimensions of the interlopers’ transjurisdictional networks, even though their function and purpose is strikingly similar to those deployed within contemporary multinational corporations.

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In the first decade of the twenty-first century the foundations of the established global order – within the context of which Euro-Americans have come to regard their position of socio-economic privilege as both institutionally and ideologically normative – have become increasingly unstable. In the aftermath of the collapse of the largest and latest of the speculative bubbles to which the capitalist order is prone, all manner of negative portents that hitherto lurked below the horizon have become much more salient. Looking beyond the chaotic consequences of the current credit crunch, there are good reasons to believe that current developments presage a tectonic shift in the global socio-political order and of a kind that can only be fully understood viewed in the *longue durée*.

Five centuries ago Iberian skills in seamanship, conveniently combined with a commitment to naval warfare and access to the products of the silver mines of Potosí, enabled armed, state-promoted European merchants to find their way round the Cape of Good Hope. Having done so they barged their way into a well-established arena of intercontinental trade: that connecting network of ports – and hence the empires that stood behind them – around the periphery of the Indian Ocean and the eastern Pacific and which had been going strong for at least two millennia. While the interlopers subsequently came to regard their achievements as an inevitable triumph, the early adventurers actually found themselves faced with challenges with which they were ill-equipped to cope. The Indian Ocean and its adjuncts formed a highly sophisticated mercantile arena, and although its markets were filled with all manner of products for

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which there was an insatiable demand in Europe, the initial wave of adventurers found they had little if anything to offer in exchange: the manufacturing capabilities of the inhabitants of Asia's backward western promontory were comprehensively inferior to those in India and China (Chaudhuri 1985; Gordon 2008; Pearson 1976).

How, then, did the interlopers manage to pull it off? In the absence of goods with which to trade, Portuguese privateers rounded the Cape of Good Hope in the closing years of the fifteenth century fell back on their only available asset: their capacity to deploy armed force at sea, together with their willingness to deploy their weaponry against those whom they routinely dismissed as godless heathens. As Pearson notes:

The fact remains that the [Indian] ocean at 1500 was genuinely a *mare liberum* where no state tried to control maritime matters. Perhaps most indicative of this is the fact that in 1500 Asian ships carried no cannon. This was partly because sewn ships were likely to disintegrate if cannon were fired from them, but more because there was little need for them.

Portuguese policy was totally new, but was less than totally effective .... The quasi-official chronicler, Joao de Barros, set out quite clearly the Portuguese justification for their policies: the Portuguese in Asia were lords of the sea, and made all other ships take a safe-conduct or *cartaz* from them. Ships trading with enemies of Portugal could be seized on sight. By common law the seas were open to all, but this applied only in Europe to Christians .... Hindus and Muslims, on the contrary, were outside the law of Jesus Christ, which all men must keep to avoid the eternal fire .... [Hence] Hindus and Muslims had no claim to right of [free] passage in Asian waters ....

The military scaffolding designed to enforce these claims was erected early in the sixteenth century. Vasco da Gama arrived near Calicut in 1498. The second Portuguese expedition, in 1500, was instructed to sink Muslim ships on sight. In 1503 they built their first fort at Cochin. Six years later the Portuguese won a major sea battle when they defeated a combined Egyptian–Gujarati–Calicut fleet at Diu; their dominance of western Indian water was not seriously challenged again in the sixteenth century. The greatest conquests on land came during the governorship of Afonso de Albuquerque (1509–15). He had a clear vision of the key points of Asian trade, and moved purposefully to acquire them. Goa was taken in 1510, Malacca in 1511, and Hormuz in 1515. (Pearson 1987, pp. 83–84)

But as Pearson goes on to show, their actual achievements were far more limited than their hegemonic ambitions would suggest. Onshore, the Portuguese never established much more than a military toehold in some – but by no means all – of the region's key trading centres and although they used their ideological premises to legitimate their practice of taking piratical control of all local shipping that had failed to pay a fee to obtain a protective *cartaz*, their forces were far too limited for them to be able to patrol the entire ocean: hence the majority of traders operating from ports which the Portuguese did not control continued to slip beneath their net.

It followed that if Europeans were to participate seriously in trade in Asian waters they needed to rely on something more than threats of violence. As luck would have it a further product of their global adventures came on stream at just the right time: having overthrown the civilisations of the 'New World' on the far side of the Atlantic, they gained access to the almost limitless wealth of the silver mines of Potosí – or in other words to what André Gunder Frank (1998) has aptly described as 'Free Money'. This was crucial. Given access to the mineral (and later the agricultural) resources of the Americas, together with their willingness ruthlessly to deploy unfree non-European labour to make the most of those resources, state-

supported adventurers from Spain, England, France and Holland soon joined the Portuguese in developing sea-borne circulatory networks within which bullion extracted from the New World could be used to purchase – rather than simply to seize – tropical spices and due course Indian textiles, Chinese ceramics and much more besides. As the inflow of capital and physical sources steadily increased in scale, European entrepreneurs began to mechanise Asian manufacturing techniques. By the late eighteenth century the capital inflows enabled English entrepreneurs to lay the foundations of an Industrial Revolution, which was soon to be replicated in Western Europe and North America. Only at this point did levels of industrial productivity in Euro-America begin to surpass those in India and China, before racing ahead ever more sharply during the course of the nineteenth century. As this happened, the centre of gravity of the global economy shifted steadily westwards, reaching its apogee in the opening years of the twentieth century (Darwin 2007); such swings in the *longue durée* take a long time to reverse themselves, with the result that it was not until the opening years of the twenty-first century that the Euro-American beneficiaries of those processes found themselves having to face up to the prospect of nemesis.

### Diasporic perspectives

That said, this is not an essay on global systems. My objective here is much more limited, namely to explore the ways in which these developments in the global order have opened up – and indeed have often been driven by – a steadily growing counter-vailing force: diasporic expansion ‘from below’. In pursuing these developments my preferred analytical perspective is derived from anthropology rather than in political economy or systems theory and consequently ultimately grounded in a commitment to making first-hand ethnographic observations of on-going developments. However anyone utilising such a methodological perspective in diasporic contexts promptly finds themselves confronted with a challenging task, since the face-to-face interactions on which anthropologists conventionally focus have been drawn out into massively extended translocal networks of mutual reciprocity, as a result of which relatively powerless actors from the global periphery have been able to transform themselves into migrant entrepreneurs. In doing so they have become active participants in the global order, so much so that their collective activities have begun to transform its very structure.

Forty years ago, when I set out to explore the ways in which Punjabi labour migrants were coping with the challenges with which they found themselves confronted in urban industrial Britain, I was not expecting to set my findings within such a global perspective, since this lay far outside anything for which my training as an anthropologist had prepared me. While the pattern of face-to-face relationships within each of the nascent ethnic colonies that I observed emerging around me were familiar enough, the diasporic context – within which those colonies were merely parochial corners of a series extended diasporic networks, each with its own dynamic – was not. My agenda had to change, not least because it quickly became apparent that any analysis which restricted itself solely to the local activities of my informants was hopelessly myopic.

Whilst the great majority of contemporary labour migrants emerged from humble beginnings and in that sense ‘from below’ (Smith and Guarnizo 1998), any analysis which assumes, *ab initio*, that they can safely be regarded as pawns tossed around by

forces beyond their control is severely mistaken. Close inspection invariably reveals that migrants set out on entrepreneurial quests and that their activities have a *transgressive* dimension. Indeed precisely because of such they set off to advance their own self-defined interests in the midst of a far from egalitarian global order, established residents in the localities in which they settle swiftly come to perceive the newcomers as offering an unwelcome challenge to their own immediate interests and concerns. Much follows from this. In the first place it is immediately apparent that the dynamics of diasporic growth are no less a response to external (and constantly changing) patterns of opportunity and constraint than they are of internally generated entrepreneurial initiatives devised by network members themselves. Second, and consequently, any coherent analysis must pay careful consideration to the dialectical processes of reaction and counter-reaction to which these developments give rise. Once the dynamics of diasporic expansion becomes the principal focus of analytical attention, it follows that the scope of one's empirical gaze must be extended to all possible levels of social analysis: from the minutiae of marriage rules at one end of the scale, right through the changing structure of the global order in the *longue durée* at the other.

It follows, in consequence, that all such investigations must be 'glocal' in character, as Gardener (1995) emphasises in her aptly titled monograph *Global Migrants, Local Lives*. Nor is that all. The collective impact of their initiatives regularly sets off powerful dialectic processes. Indeed to paraphrase Marx:

Migrants make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past.

### **The internal dynamics of translocal networks**

If migrants have made and are continuing to make history in this sense, they have done it in a manner that wholly contradicts Marx's vision of the way in which those standing at the margins would need reorganise themselves if they were ever to improve their position in the socio-economic order. For Marx, the dogged parochialism of the peasant was an obstacle, not an asset, so much so that he went on to argue that:

the great mass of the French nation is formed by the simple addition of homologous magnitudes, much as potatoes in a sack form a sack of potatoes .... Insofar as there is merely a local interconnection among these small-holding peasants, and the identity of their interests forms no community, no national bond, and no political organization among them ... they are incapable of asserting their class interest in their own name. (Marx 1963, p. 124)

My purpose in quoting Marx in this context is not to critique his analytical conclusions with respect to the revolutionary potential of mid-nineteenth century France and still less to dismiss his dialectical vision of historical processes. Rather it is to emphasise that the migrants who have made and are making history – the vast majority of whom were and are of peasant origins – have never been 'potatoes' in Marx's sense. Indeed it is precisely as a result of their capacity to make the most of the parochial interconnections which he so summarily dismissed that they have been able to create diasporic networks of inter-personal reciprocity through which they have leap-frogged their way

into ever more salient positions in the global arena – and hence to ‘make history’ in just the sense that Marx had in mind.

If diasporic networks are the secret of migrants’ success, just how have they been constructed? What do they consist of and how do have they been sustained over time and space?

Inter-personal relationships are the ultimate foundation of every social order and in whatever context such relationships occur and whatever purpose they serve, their interconnections can readily be mapped out as networks. However the networks with which we are concerned here have a further distinctive characteristic: given their spatial extension, they have been re-engineered in such a way as to sustain relationships of reciprocity – *even when those involved are precluded from engaging in face-to-face interactions on a daily basis.*

Nevertheless careful consideration reveals that such trans-locally extended networks are neither unusual nor specifically ‘modern’. In every society in which exogamy is the norm, the relationships which virilocal wives maintain with their natal kinsfolk are invariably translocal in this sense. The same is true of the relationships between merchants engaged in long distance trade, as well as those between charismatic ‘saints’ and their spatially scattered devotees. Indeed all these well-established forms of trans-local networking are frequently concurrently deployed, such that they serve mutually to reinforce one another (Cohen 1969). It follows that in constructing global diasporas contemporary migrants are doing nothing new: they are simply deploying some well-worn strategies, albeit as a strategic means of making the most of opportunities thrown up within the context of an ever-shrinking global economic order. Whatever the context within which they are constructed, whatever the purposes they are designed to serve, all such networking initiatives must meet the same basic requirements if they are to be more than a flash in the pan. Communication is the key: expressions of mutual reciprocity between network members must regularly be revaluated if the whole edifice is to avoid falling into abeyance.

Recent developments in communications technology, especially in the form of the Internet and the even more ubiquitous mobile phone, have radically eased the prospect of so doing. Long-distance networking has never been so easy as it is today. However the capacity to network is one thing and the purposes to which that capacity is put is quite another. Although the moral reciprocities of kinship provide ideal foundations for network-construction, if left unreinforced such emotive ties are far from robust, particularly in the longer term: in the absence of *transactions* of some kind, they attenuate quite rapidly. Hence if diasporic networks are to be kept in good shape they need to be grounded in material interests of some – most usually those arising from the circulation of resources as between the spatially separated jurisdictions in which network members have established a toe-hold. From this perspective network participation is far from altruistic. Rather it is grounded in an awareness that investment in network-maintenance will in due course be rewarded by the benefits into which one can subsequently expect to tap. The benefits in question are extremely varied, and include moral, emotional, religious and political considerations as well as more concrete forms of material advantage. Whatever their format, it is reciprocity that stands at the core of the exercise. If networks are to sustain themselves they must give rise to broadly equivalent exchanges of *value* as between all those involved: otherwise the losers would drop out. However there is no need for these exchanges to be identical in kind, or for them to be implemented simultaneously in time.

### Issues of power

All such exercises also raise issues of power. On the one hand they empower their members, if only because network-deployment enables them to pursue goals with greater success than they would if they had remained autonomous, non-cooperating and individualistically minded 'potatoes'; and on the other their modus operandi is further conditioned by the character of the context from which they emerge, as well as of those into which they insert themselves. From this perspective trans-local initiatives can conveniently be grouped into two broad categories: those which descend hegemonically 'from above' as opposed to those generated transgressively 'from below' (Smith and Guarnizo 1998). This adds a further dimension in the whole argument. However great the impact of networks emanating 'from below' may currently be perceived as being, they are by no means the only, let alone the most structurally significant networking show in town. On the contrary they are paralleled by and have in large part emerged in contradistinction to, a further set of networks: those which have emerged 'from above' to facilitate the growth of, and to sustain, the commercial and political initiatives on which Euro-America's now increasingly-imperilled condition of hegemonic privilege has hitherto relied.

The dynamics of these contrapuntal strategies closely mirror one another. While the initiatives that have recently emerged from below are best understood as a countervailing response to Euro-America's current position of global hegemony, that condition was itself the outcome of an extensive period of networking 'from below', as European entrepreneurs carved out a transgressive presence for themselves in and around the Indian Ocean from the beginning of the sixteenth century. It was not until the beginning of the eighteenth century that the centre of gravity of the global economy moved with some speed from east to west. As the relative distribution of wealth and power began to change, so once-transgressive networks 'from below' gradually transformed themselves into the sinews of European imperial dominance – in which guise they operated very firmly from above. Behind all this there is a strong sense in which all such initiatives, whether articulated from above or below, were underpinned by a similar set of objectives: to facilitate the global circulation of personnel, capital and information, the better to advance the collective interests of those involved.

### Empires, empire and the currently emergent post-imperial global order

Viewed from the *longue durée*, this dialectic takes us back to a period in world history when roles were the reverse of those that have prevailed for the past two centuries. Having achieved the capacity to circumnavigate the globe in their heavily armed galleons, the transgressive success of ruthless state-supported European merchant adventurers ultimately precipitated to a spectacular restructuring of the world order: building on each others' prior achievements, the Portuguese, Spanish, the Dutch, the British and ultimately the Americans established imperial systems with an increasingly global reach. Not that empire was in any sense a novel phenomenon: in the seventeenth century the Ottoman, Safavid, Mughal and Ch'ing Empires still significantly outclassed the relatively puny nation states of Western Europe in size, sophistication and historical depth. Hence it was not until the beginning of the eighteenth century that the pendulum began to swing firmly in the opposite direction (Das Gupta and Pearson 1987). The broad outlines of the basis on which Europeans successfully transformed themselves from one of transgressive networkers from below into exploitative hegemon operating ever more firmly from above has already been

reviewed. However it is worth noting that in Asiatic contexts their power was largely limited to control of the seaways, together with a string of otherwise isolated ports. It was not until the eighteenth century that they had developed a sufficient degree of military and industrial strength to confront the forces of Ottoman, Safavid, Mughal and Chinese Empires onshore – although in each case they only met with real success when their targets were weakened by internecine succession disputes (Darwin 2007).

Not that the initiators of this first round of globalisation were the inventors of long-distance navigation, or of oceanic trade. All the major Asiatic civilisations had been in touch with one another for many centuries prior to the arrival of European interlopers; trade between them was extensive and there is now a growing body of evidence that parts of Admiral Zeng He's fleet circumnavigated the globe a full century before Magellan achieved the same feat – only to find that their achievements were comprehensively disregarded on their return home as the result of a change in Imperial policy (Menzies 2002). What was distinctive of the subsequent European exercise was their ruthless use of naval violence to get their own way whenever and wherever they found themselves in a position to do so, such that they were able to exploit their new-found opportunities for global arbitrage with extraordinary success.

By the time that these processes of wealth redistribution had reached their apogee, twentieth-century Euro-America had developed a fit of collective amnesia. By then all memories of the fact that they had once been transgressive interlopers 'from below' had been conveniently dispatched into the dustbin of history. Indeed such was the extent of their global hegemony that they had begun to take the legitimacy and indeed the inevitability of their privileged status in the global order wholly for granted. With few exceptions,<sup>1</sup> all other imperial structures had by then been swept away and the greater part of the indigenous population of the remainder of the world had been subjugated by one or other of the European powers. In such circumstances it was but a short step to a hubristic conclusion: that Euro-America's philosophical, literary, artistic, scientific and technological achievements were comprehensively superior to those of all other components of humankind.

This trope is still deeply institutionalised throughout the Euro-American world. As the disparities in wealth and power between Europeans and all others continued to widen during the course of the first half of the twentieth century, the disjunction could readily be explained – or so it was assumed – as the outcome of a combination of cultural and biological factors: while 'we' (the Europeans) were biologically endowed with capability to develop advanced civilisation, 'they' (the others) were not. Europe's imperial successes were consequently as legitimate as they were inevitable and in all probability a manifestation of the evolutionary process of natural selection. While the explicit articulation of such racialistic sentiments went out of fashion during the second half of the twentieth century, especially among members of the well educated elite, it would be idle to conclude that these sentiments have been eliminated from the conceptual foundations of Euro-American popular culture. That this should be so should come as no surprise. While global empire is an inescapable component of European history in general and of English history in particular, active remembrance of what those processes actually entailed has become deeply embarrassing, so much so that it has been parked beyond the scope of acceptable knowledge. So long as this state of affairs remains unchallenged, as it is likely to do until the consequences of changes in global tectonics become so large as to be impossible to dismiss, these historically generated tropes can be expected to remain firmly embedded in popular culture, so much so that the majority Euro-Americans, including the highly educated,

will be in a position to continue to live out their lives *as if nothing had changed* (see Ballard and Parveen 2008).

### Global re-orientation in the new millennium

In the light of recent developments, the prospect that the beneficiaries of European diasporic expansion will be able to sustain their position of unchallenged hegemony for very much longer are shrinking by the day. As nemesis looms, there is little sign that the challengers from below are merely playing ‘catch up’: rather they owe the greater part of their success to their capacity out-manoeuvre and in that sense to *by-pass*, the established strategies conventionally deployed by their former lords and masters, above all by *thinking for themselves*.

This was nothing new. Regardless of the egregious assumptions of their hegemons, it did not take long before the subjects of Euro-American colonial dominance began to develop a healthy degree of scepticism with prospect that their only route to progress was by aping the manners and assumptions of their ‘betters’. To be sure members of assimilated elites who had been carefully trained to act as local agents of hegemonic power were often taken in by such fantasies – most particularly when they found themselves in a position where they could step into their former masters’ administrative shoes in the immediate post-colonial period. The vast majority of their subjects – and most especially members of the allegedly ‘backward’ and ‘ill-educated’ peasantry – had long been aware of the hypocrisy of such arguments. From their perspective Empires – whether ancient or modern – have always been hegemonic in character. Hence the strategies deployed by their new colonial rulers were entirely familiar: from a subaltern perspective those who arrogated power to themselves routinely deployed tactics of disparagement as a means of defending and legitimising their positions of aristocratic privilege.

Deeply distrustful of the manoeuvres of elites of all kind, history taught them the best route to survival was by looking to their own for mutual support. By closing ranks on the basis of kinship and caste, sometimes yet further reinforced by common sectarian affiliation, they aimed to make most of every available the better to pull themselves up by their own collective bootstraps. In doing so they relied on four closely inter-related assumptions:

- (1) Always to be sceptical of the motives outsiders and most especially of agents of the state. On the basis of many generations of experience, they took the view that *‘outsiders’ were most unlikely to have the best interests of people like themselves at heart*: on the contrary they are much more likely to rip them off.
- (2) Always be aware that the world at large is not only hierarchically ordered, but inherently competitive. *Autonomy* should always be one’s goal, since one’s competitors are will invariably seek to manoeuvre themselves into a position of advantage. Hence dependency – whether social, economic or political – is a condition that should be avoided like the plague.
- (3) That the socio-economic order is of a zero-sum game: hence any advances made by one’s own group will transgress on the interests of others and, of course, vice-versa. Hence the best survival strategy is to *close ranks in mutual solidarity*, not least because one’s rivals can only be expected to deploy identical tactics.

- (4) If survival, let alone significant and sustainable progress, can only be made on a collective basis, windfalls are unlikely to arrive overnight. Peasants calculate their income from harvest to harvest and beyond that from generation to generation. Common sense therefore suggests that one should always be prepared *to wait for initiatives to mature*.

The application of this logic – whose premises are also widely shared by traditionally minded merchants, but which are by now largely foreign to those exposed, like several generations of their antecedents, to the experience of waged employment and more recently to the seductive temptations of credit-driven consumerism – provides an illuminating basis on which to comprehend current developments in the global socio-economic order. Those socialised into what can conveniently be described as a peasant logic are consequently strongly entrepreneurially minded and equally aware of the strategic advantages of maintaining a position of autonomy *vis-à-vis* outsiders of all kinds. Hence they invariably regard self-employment as a much more comfortable niche within which to operate than the demeaning position of dependence into which wage earners necessarily find themselves locked; likewise they avoid debt like the plague. This does not mean that they operate as radical individualists: rather they are acutely aware of the strategic value of reciprocity and mutual cooperation, which is in turn best maintained within their own self-constructed networks of kinship reciprocity. In a remarkable paradox – at least from a Euro-American perspective – such nominally parochial networks are proving to be highly adaptive in the ‘flat’ and ‘shrunk’ world of contemporary globalisation. Precisely because they readily retain their integrity even when transjurisdictionally extended, they have played and continue to play, a key role in facilitating contemporary processes of diasporic expansion.

### **The transgressive consequences of reverse colonisation**

For the best part of three centuries after 1492 Western European activities in the remainder of the globe were essentially predatory. Only exceptional circumstances, as for example along the length of the temperate Atlantic seaboard of North America, did residential colony-construction take place. Elsewhere the adventurers’ primary purpose was to maximise the transfer of wealth back to Western Europe. Only after several centuries of predatory accumulation – which also saw the accumulation of capital which eventually financed the industrial revolution – did mass settlement of overseas territories begin to take off, reaching a peak towards the end of the nineteenth century. While the vast majority of these settlers were also of rural origin, they nevertheless differed from that of their contemporary non-European successors in two important respects. First, their kinship systems were much less extended in character; second, they arrived with the might of Empire behind them. Hence, while the vast majority of the millions of immigrants processed through the facilities on Ellis Island arrived with little or nothing in the way of material assets, they were manifestly operating primarily ‘from above’: military force was available to enforce their occupation of land formerly inhabited by the indigenous peoples of North America.

If mass emigration from Western Europe trickled almost to a halt during the first half of the twentieth century, in the second half of the century it was comprehensively reversed. In this context, however, the interlopers arrived from below, with the result that ever more desperate efforts are by now being made to bring the inflow to a halt,

as well as to contain and control the growth of the thriving ethnic colonies which non-European settlers have by now established in virtually all of Euro-America's major cities. However these efforts are meeting with little success. Despite the introduction of ever more draconian forms of border control, processes of reverse colonisation 'from below' are following their own dynamic in a manner that is proving to be virtually unstoppable (Bhagwati 2003; Ballard 2010).

Paradoxically enough, one of the central reasons for these twentieth-century interlopers' initial success has been a straightforward consequence of affluence. As Euro-Americans began to take their comfortable lifestyles for granted, they grew steadily more reluctant to engage in uncomfortable and menial forms of physical labour. Hence the transfer of large sections of Euro-America's manufacturing to eastern and southern Asia has led to a huge reduction of employment opportunities, the still prosperous economies of the global North still include an irreducible bedrock of activities that can neither be mechanised nor exported. These include the harvesting of agricultural produce, building and construction, catering and the provision of personal care to the elderly, the sick and the infirm. The demand for personnel in this sector of the labour market growing inexorably throughout the affluent world, while the wages and conditions of service are so poor that indigenous workers remain reluctant to enter this section of the labour market – even when they are otherwise unemployed.

Nevertheless their attitude towards the migrants who have arrived to fill them has become increasingly hostile. During periods of rapid economic expansion – as was the case during the course of the post-war boom – there was little opposition to the arrival of non-European migrants. They filled otherwise unfillable vacancies and hence were not perceived as offering a competitive threat to the interests of the established population. Once these conditions ceased to be fulfilled, as occurred when the post-war boom came to an end and, when the newcomers became sufficiently well established to begin pressing their way upwards from the bottom of the pile, hostility to their presence rose sharply and has since become endemic. Popular pressure has led to all manner of legislative initiatives designed to limit the settlers access to citizenship (especially in the British case<sup>2</sup>), to halt further immigration and to repatriate all those had evaded ever more draconian immigration controls. These measures may well have curbed the inflow, but have not brought it to a halt. The demand for hands to perform menial tasks at the bottom end of the labour market remained as great as ever. As a result a steadily growing proportion of the labour force throughout the developed world is currently composed of workers variously identified as 'illegal', 'undocumented', '*sans-papiers*' and so forth. Most fulfil a vital role in the local economy, but their presence is nevertheless deemed to be illegitimate. Nor is that all: even when granted permission to cross the border on a legitimate basis, the civil rights granted to newcomers from below are frequently severely limited. As a result a steadily growing proportion of the population in most developed countries is now composed of temporary denizens rather than fully fledged citizens.<sup>3</sup>

The purpose of these ever more rigorous border controls is clear enough: to protect the indigenes resident behind them from unwelcome completion from below. If we reverse our perspective and examine these developments from the other side of the fence, they assume a very different guise: as a further set of obstacles that those pressing their way upward from below must evade or circumvent if they are to reach their goal. In other words they are deliberately constructed systemic barriers to socio-economic mobility. In penetrating jurisdictional obstacles of this kind, those who can

tap into the resources of well-established diasporic networks have an immediate asset to hand – assistance from kinsfolk who have already established themselves on their far side barrier. In these circumstances two radically different perspectives are available with respect to what is going on. Viewed from within, such strategies can readily be classified as a criminal conspiracy: ‘people smuggling’. Viewed from outside the boundaries thus constructed, such exercises are merely a form of network-based transjurisdictional entrepreneurship that attract the label ‘criminal’ solely because they have been launched from below rather than above.

### **Global networking – from above and below**

Having laid out this groundwork we can at long last return to the core theme of this article: global networking. Having attracted an enormous amount of public and academic attention in recent years, virtually all such discussions have taken it for granted that globalisation is essentially a top-down, neo-colonial phenomenon, by means of which Euro-America has yet further reinforced its position of hegemony over the global South. In a world in which the oil majors teamed up with the US military and the neo-cons in the Bush administration to pursue their joint objectives, the reality of efforts to yet further reinforce Euro-America’s position of hegemony within the global order remain patently obvious. However history shows that well established hegemonies all too often come to over-estimate their capabilities – and there is now plentiful evidence that Euro-America and especially Anglo-America, has done just that. Launched from a platform of gross indebtedness, no less domestically than fiscally, over-ambitious financial engineers operating out of Wall Street and the City of London constructed an allegedly risk-resistant shadow economy with a nominal value several times greater than that in the real world – only to see the whole edifice collapse in chaos. If the globally oriented institutions through which these adventures were pursued turn out to be as paper-thin as the financial edifices which underpin them, we may well have reached a critical turning point in world history, such that the processes set in train way back in 1492 have finally run out of steam.

In material terms the consequences of the gathering force of processes of globalisation from below are plain to see. In a dramatic turnaround India and China are regaining their position as workshops of the world, and have consequently toppled Euro-America from the position of global industrial superiority which it has enjoyed for the past two centuries. While this enabled the population of Euro-America to enjoy lifestyles of unprecedented affluence during the past half century, this condition of prosperity was accompanied by the growth of personal debt and fiscal deficit to unprecedented and ultimately unsustainable, levels. Even before the onset of the current credit crunch the US economy required inflow of foreign investment to the tune of US\$2 billion a day just to stay afloat, a trick which the US has so far been able to pull off as a result of its fortunate position as the world’s money-printer of last resort, but now that its economy is running on less than empty, it is unlikely to be able to sustain this position for very much longer. Given that so many of the World’s financial chips are stacked up in the hands of China, Japan and the oil-rich states of the Persian Gulf, the countervailing forces to American hegemony that have long been biding their time are coming unmistakably to the fore.

Just what has this got to do with transnational networks? While anthropologists do not normally set their analyses in the context of a discussion of global macro-economic processes, I have long since come to the conclusion that there is no way in

which the history, the dynamics and above all the consequences of current diasporic initiatives can be properly appreciated without taking careful cognisance of the historical context which they have developed. There are two interconnected reasons why this is so. On the one hand migratory movements, no less from below than above, have played a key role in the processes of globalisation; and on the other both sets of diasporic network-construction have a great deal more in common than has yet been appreciated.

Nevertheless, there are sharp differences in the way they are currently articulated. Those emanating from above – whether in the form of multinational corporations, military expeditions or programmes, international assistance proffered by the World Bank or the IMF – are typically ordered on an impersonal, bureaucratic, contractual and hence a *formal* basis; by contrast the vast majority of the countervailing initiatives currently emanating from below are ordered on a much more personal basis. Making the most of reciprocities of kinship and quasi-kinship, as well as solidarities of ethnicity, sect, clan, caste and so forth, networks emanating from below are consequently much more *informal* in character than are those which underpin their more bureaucratically ordered counterparts emanating from above.

### The dynamics of migrant networks

If this is an accurate representation of empirical realities (or at least of the premises which in principle underpin them), its implications could readily be explored within a far wider range of arenas than can possibly be addressed here. Hence the remainder of my analysis is largely restricted to an examination of the characteristics and most especially the internal dynamics of the myriad transjurisdictional networks which have emerged from the Indian subcontinent during the course of the past half-century. Even if one restricts one's concerns in this way, any attempt to generalise about these developments is a close to impossible task. Besides having grown out of innumerable narrowly restricted locations, each such network has developed its own distinctive paths of chain migration, along which an exponentially expanding series of kinsfolk – followed by the kinsfolk of kinsfolk – have leap-frogged their way upwards and outwards in the footsteps of the initial pioneers to an astonishingly wide variety of destinations. Having done so they took advantage of an equally varied range of income-generating opportunities, while constantly reconstructing their networks in an equally varied range of strategic responses to the specific character of the obstacles and opportunities which they encountered along the way. As a result, the speed, direction and character of the flow of assets, persons and goods circulating around these self-constructed arenas, as well as the extent, character and consequences of the many forms of arbitrage into which they were able to tap while doing so has varied enormously. Before considering the consequences of all these initiatives, we must first consider the underlying character of the networks themselves.

Besides being entrepreneurial in character, all such networks have been *self-constructed by their users*. Contemporary migrants are relatively rarely recruited by their future employers: instead they have for the most part found – and self-financed – their way to their destinations. That is why kin-based linkages play such a salient role in the whole process: in each case pioneers are not just pathfinders, but routinely draw on their acquired experience and savings to facilitate the passage of further kinsfolk overseas to join them. Where such pathfinders are in a position to provide

financial and documentary backing, their successors have a much greater prospect of penetrating the barriers of immigration control. Second, and just as importantly, the resultant escalators rarely remain a one-way street. Rather they soon begin to facilitate *processes of transnational circulation* – no less of ideas, information and material assets than of persons – between all the global destinations in which members of that network have established a foot-hold. As a result each such network rapidly precipitates a web of inter-connections as between its home base and a range of distant colonies (Ballard 2003).

Just what do such networks consist of? Rooted as they are in self-governing coalitions of interpersonal reciprocity, they are not formally incorporated: as a result they have no recognised legal status in Euro-American law. Nevertheless, in a manner which runs parallel to their formally incorporated counterparts, in other words transnational enterprises operating overwhelmingly from above, they implement much the same kind of circulatory initiatives in trans-jurisdictional space (Ballard forthcoming). Because they are held together by informal relationships of mutual trust rather on a contractual basis, their critics can readily label such structures as ‘secretive’, ‘underground’ and ‘mafia-like’ criminal conspiracies, rendering them acutely vulnerable to politico-legal persecution. Indeed in the aftermath of 9/11 such tactics were deployed with great enthusiasm, on the grounds that such networks – and especially those constructed by Muslims – are merely a convenient cover behind which hide all manner of criminal and terroristic activities. If such moral panics are to be countered, three pressing questions demand answers:

- What licit purposes can and do such networks serve?
- Why is the term ‘informal’ routinely interpreted pejoratively?
- How are queries about their very legitimacy best contested?

### **The strengths of reciprocity**

The immediate answer to these three interconnected questions is not difficult to find. As the outcome of a deeply ingrained Euro-American socio-cultural consensus, conventional opinion takes the view that the only basis on which substantial and stable social institutions can reliably be constructed is in terms formally articulated legally enforceable relationships of contract. Against that background the prospect that relationships of mutual reciprocity, guaranteed by that most intangible dimension of human relationships, *trust*, might serve the same purpose has been rendered virtually inconceivable. Hence the vast majority of contemporary Euro-Americans are deeply *distrustful* of the prospect that something so intangible as mere trust can possibly provide a reliable guarantee against malfeasance. Instead they expect to make (and to receive) a written record of all their transactions, so rendering the contract which it records enforceable in law. It follows that transactions made in the absence of written and publicly inspectable records of this kind are *ipso facto* ‘informal’, ‘hidden’ and hence routinely treated as inherently suspicious.

Not that trust is entirely absent from transactions which are nominally guaranteed solely by contract: there is no way in which formally constituted systems could possibly operate smoothly if contracts were regularly disputed in court. Instead legal proceedings are little more than a rarely used backstop, since partners to such contracts expect – and indeed trust – that the terms of the contract will be fulfilled without demur. Indeed as Amartya Sen has recently been moved to observe:

Even though people seek trade because of self-interest (as Adam Smith famously put it, in explaining why bakers, brewers, butchers, and consumers seek trade), *an economy can operate effectively only on the basis of trust among different parties*. When business activities, including those of banks and other financial institutions, generate the confidence that they can and will do the things they pledge, then relations among lenders and borrowers can go smoothly in a mutually supportive way. As Smith wrote:

When the people of any particular country have such confidence in the fortune, probity, and prudence of a particular banker, as to believe that he is always ready to pay upon demand such of his promissory notes as are likely to be at any time presented to him; those notes come to have the same currency as gold and silver money, from the confidence that such money can at any time be had for them. (Smith, I, I.viii.26, p. 91)

Smith explained why sometimes this did not happen, and he would not have found anything particularly puzzling, I would suggest, in the difficulties faced today by businesses and banks thanks to the widespread fear and mistrust that is keeping credit markets frozen and preventing a coordinated expansion of credit.

The most immediate failure of the market mechanism lies in the things that the market leaves *undone*. (Sen 2009)

In other words trust remains a crucial, if hidden, component of every formally constituted social and financial edifice. If banks have stopped lending to each other, let alone to the customers, it is not for lack of formal contractual instruments on the basis of which to legally underpin such deals. Rather the system has frozen up because no institution can now be confident that their normally reliable counter-parties have not been holed below the waterline by hidden icebergs of toxic debt.

It follows that in the absence of an established and constantly revalidated prior relationship of trust with a prospective counterparty, no deal involving any kind of credit can be contracted, no matter how much it may be underpinned by legal paperwork. By contrast, in social arenas where relationships are ordered in terms of mutual reciprocity deals which all insider counterparties can readily implement, *even if they operate within entirely separate jurisdictions*, on the grounds that the debtor (and in all probability all his immediate kinsfolk and dependents) will be subject to exclusion from all the benefits associated with network membership if he fails to fulfil his obligations without good reason. In that sense, at least, every diasporic (and trans-jurisdictional) network is also internally self-policing. If this is indeed the case, we also need to unpack the conceptual and organisational foundations around which such coalitions of reciprocity are constructed.

### ***Ristedari***

The reciprocity implicit in common kinship, generalised in virtually every vernacular as ‘brotherhood’, has long been one of the strongest and most robust of human relationships: indeed since enforceable contracts are by definition unavailable in stateless societies, the informal reciprocities of mutual trust long antedate the formal procedures which contemporary Euro-Americans have come to regard as normative. Kinship is not a uniform phenomenon: its expression is always powerfully conditioned by all manner of culturally grounded and context-specific premises and conventions.

With this in mind it is worth noting that the kinship systems which are most suited to translocal, transnational and trans-jurisdictional extension are those that routinely

bind a wide range of kinsfolk together into families which are both *extended* and *strongly corporate* in character. Their potential utility is yet reinforced when such corporate families are in turn located within strongly articulated descent groups and where reciprocities of descent are also accompanied by complementary ties of affinity grounded in the strategic choice of marriage alliances. If networks constructed around coalitions of reciprocity provide the foundations of the vast majority South Asian diasporic initiatives, their underlying premises differ sharply from much more limited and above all much more individualistic, assumptions which underpin contemporary Euro-American premises and practices. This has had two consequences. First, extended kinship networks played a much less salient role in processes of European – and especially of northern European – diasporic expansion than it does in most contemporary inflows: and second, that most contemporary Euro-Americans have little or no understanding of what South Asians have in mind when they talk of *ristedari*.<sup>4</sup>

From this perspective Euro-Americans and South Asians can be seen to inhabit widely differing behavioural and conceptual universes. As far as contemporary Euro-Americans are concerned, it is ties of marriage rather than descent which lie at the heart of their favoured conceptualisation of what ‘the family’ is all about. As a result their familial units do not have and in the English case never appear to have had, a corporate existence beyond the length of conjugal relationship between the two spouses whose marriage led to its construction (MacFarlane 1978). Given their lack of familiarity with any other set of conceptual premises, most contemporary Euro-Americans find corporately structured extended families, let alone their attendant extension into further patterns of reciprocity articulated as between both agnatic and affinal kinsfolk (or in other words the whole sphere of *ristedari*) lies wholly beyond their ken. Whether or not the significance of these differences is adequately understood, they have indubitably had a far reaching impact on processes of diasporic expansion. While networks which emanated from Western Europe in the nineteenth century were no less conditioned by considerations of kinship than their contemporary South Asian counterparts, the strategic resources to which the various systems gave rise was far from uniform. Hence, while European emigrants may indeed have sought to make the most of what they regarded, at least from their own perspective, of their ‘strong families’, their overarching commitment to individualism did nothing to facilitate wider kin-based cooperative initiatives as between nuclear households, let alone to the maintenance of collective initiatives which could readily be both spatially and inter-generationally extended. In other words the cultural capital available to emigrants of European – and most especially of northern European – origin was ill-suited to the construction of extended networks of mutual reciprocity.

Not that this deficiency significantly inhibited their entrepreneurial success as they pressed the indigenous populations of the plains of North America, the *pampas* of South America and the South African *veldt* rudely to one side. Arriving hegemonically from above, they could rely on the forces of the colonial state to facilitate the marginalisation of the indigenous inhabitants of the territories in which they settled, no matter how vigorously ‘the natives’ may have contested their arrival. Contemporary migrants pressing upwards from below enjoy no such luxury. The natives of Europe are frequently just as hostile, especially when recession sets in; and in the context of their majoritarian democracies legislation can readily be passed to defend their parochial interests, even if the resultant exclusionary measures are for forms’ sake most usually hidden behind a smokescreen of nominal commitments to anti-racism and to the construction of a ‘a Just, Safe and Tolerant Society’.<sup>5</sup> In other words they currently

find themselves confronted with an ever-growing thicket of democratically validated initiatives which serve to reclassify the strategies they have deployed to establish a foothold in their new environment as far out as possible along a spectrum that runs from unwelcome to illicit through illegal to downright criminal. Precisely the opposite processes took place as European colonists above set about making themselves at home in what they chose to call the New World.

### Value transfers within global networks

Such contests at the colonial frontier are, however, only one part of the story: the most salient feature of contemporary diasporic initiatives is the vibrant character of their trans-jurisdictional networks, which enable their members to circulate capital, goods, ideas and personnel on a global scale, despite all the legal and administrative obstacles strewn in their path. However once again they are by no means the only players in this field.

As Baker (2006), Brittain-Catlin (2006) and many others have demonstrated, all the largest multinational corporations owe a large part of their staggering profitability to the way in which they are able to shift ideas, personnel, goods, assets (and their profits) around the globe within the privacy of their own carefully constructed corporate networks, not least because this places the full scope of their activities way beyond the purview of any one nationally grounded regulatory authority. Hence as Beck puts it, they have placed themselves in a position where they can operate in what can best be described as a translegal arena, within which they can 'systematically exploit the cooperative advantages and hidden niches of different national legal systems for purposes of expanding global business power' (Beck 2006, p. 72).

Few of these corporate practices are currently illicit, let alone criminal. By creating vast webs of corporate subsidiaries domiciled in a wide variety of national jurisdictions, multi-national – or more accurately *multi-jurisdictional* – corporate networks have placed themselves in a position from which they can transcend jurisdictional boundaries to their own collective advantage. As a result they can readily order in-house transactions in such a way that the bulk of their profits appear in convenient off-shore locations and, most especially, those in which corporate taxation is set at a level close to zero. What renders these edifices legitimate is not just that their CEOs are highly paid executives who travel in private jets; what matters more is that each such edifice is constructed on the basis of strategic advice from corporate lawyers tasked to ensure that the operation falls just on the right side of legitimacy.

If the essence of such networks is to facilitate the global redistribution of assets to the advantage of the corporation's directors and shareholders, all the contemporary informal networks with which we are concerned here use much the same trans-jurisdictional strategies to advance their members collective interests. Hence some of the most successful of these groups – such as Bohras and Khojas of Gujarat – have emulated their corporately ordered counterparts by moving carefully 'offshore'. As a result members of both these close-knit communities of Ismaili Muslims have successively moved their centre of gravity from Central Asia to the sea-coast of Gujarat, to British colonial East Africa, and in the course of the past half century to the UK and the west coast of North America, with a further range of smaller outliers scattered all around the globe (Dahya 1996). It follows that although patterns of solidarity within most current diasporic networks are informal rather than formal relationships, their activities are no less transnational and trans-jurisdictional in character than their corporate counterparts.

Nevertheless there are some equally striking differences between them. In demographic terms the membership of contemporary diasporic networks is far larger than the small elite of shareholders and managers who own and control the world's multinational corporations, while the assets held by such 'corporates' are many orders of magnitude greater than the accumulated resources of contemporary migrant workers. Likewise the corporates enjoy the immense advantage of having the law on their side, the members of unincorporated diasporic networks enjoy no such protection.

### Transgression and its consequences

Like all entrepreneurial activities, migration is an inherently risky business. The travel agent's proffered deal could prove to be a rip off, the boat on which one is travelling could sink, one can be denied permission to cross any one of innumerable international borders and unless they have just the right papers, migrants still remain vulnerable to the prospect of deportation once they have reached their desired destination. Moreover even if they manage to establish a licit presence as a denizen (citizenship usually lies much further down the line) many more hurdles still have to be confronted. Wage rates frequently turn out to be much lower (and the cost of living much higher) than they had been led to believe; recession can suddenly set in, such that all the opportunities that they had hoped to exploit can all too easily disappear overnight. Moreover the natives often prove to be far from friendly, especially in times of recession. Denizens are particularly vulnerable in such circumstances: if their visas are terminated, migrants must either resign themselves to returning to square zero, or take the risk of staying on as an 'illegal'. On the other hand, *kismet* may prove to be far more favourable: by dint of hard work and lucky breaks, someone with an identical background may make a fortune. If no one can hope to get far in the absence of fortitude, flexibility, inventiveness and willingness to carry on no matter how serious the obstacles strewn in their path, there is one vital resource that regularly makes all the difference between success and failure: being able to tap into the resources of a vigorously articulated trans-jurisdictional network.

All this also occurs in the context of a wider dialectic. While the arrival of migrant entrepreneurs – be they workers or businessmen – invariably provides a boost to the local economy, the indigenes rarely see things that way. Settlers' successes, especially when they are implemented on a collective basis, are regularly perceived as having a transgressive impact on the interests, concerns and expectations of members of the more established components of the local population. In such circumstances members of ethnic colonies regularly find themselves faced with jealous hostility, not just as individuals but as a collectivity. As a result, they regularly find themselves targeted as convenient scapegoats for all manner of ills for which they may well have little or no direct responsibility, but as we have also seen, issues of power and legitimacy invariably powerfully condition the dynamics of these contradictions, whichever way round the game is played.

In Euro-American contexts the Frontier of migratory expansion has been turned upside down in the course of little more than a century. No longer does it lie in the plains of North America or the Australian outback. Euro-Americans may still be actively seeking to retain their position of hegemony in the contemporary post-imperial world, but no longer are they active colonisers: instead they are desperately seeking to keep processes of reverse colonisation at bay. However much the worm may have turned, the ideological foundations of the arguments deployed by Euro-Americans to

defend the legitimacy of their interests turn out to display a remarkable degree of continuity: having been given a careful retreat, precisely the same arguments as those that evangelically oriented administrators deployed to legitimise their ‘civilising mission’ in the sub-continent during the late nineteenth century are being rolled out once again in contemporary Britain. To be sure they are being deployed in a very different context, but nevertheless the systematic labelling of the personal and domestic lifestyles of the settlers as backward, uncivilised and oppressive of the interests of women and children is currently being wheeled out to serve much the same purposes as it did in nineteenth century Punjab: formalised in laws driven through the legislature on the back of popular hostility, every possible opportunity is being taken to introduce measures which seek to criminalise ‘unacceptable’ aspects of minority lifestyles (Ballard 2009).

This brings me to the final stage in my argument. While contemporary migrants’ utilisation of the resources of their own indigenous cultural capital has been no less crucial to their entrepreneurial success than it was for their Euro-American predecessors, the natives have in this case taken advantage of their position of hegemony to attack the moral worth and indeed the very legitimacy, of the settlers’ most vital assets: the resources of cultural, conceptual, linguistic and religious alterity. As a result, all public indications of the utilisation of such strategies opens perpetrators to the charge that their behavioural strategies are so far off track that they undermine the legitimacy of their membership of the wider social order. In these circumstances contemporary ethnic colonists have every reason to keep their heads down and so far as possible to conceal the extent of the alternative premises in terms of which they routinely order their personal and domestic lives. Having done so they have now found themselves further hemmed in by currently fashionable policies of community cohesion, whose basic premise is that members of migrant minorities cannot expect and certainly do not deserve, to gain wholehearted social acceptance if they fail to adopt the cultural and social conventions of the indigenous majority. Such a strategy begs a crucial question. Is community cohesion a project which offers the best means of advancing the interests of members of such minority groups, as its proponents insist? Or is it, to the contrary, a seductively labelled initiative which urges those who differ to alter their public behaviour in such a way as to bring it into conformity with the conceptual assumptions of the hegemonic majority, thereby further undermining their capacity to challenge its hypocritical embrace?

Moreover there is a further dimension to this hall of mirrors. For just whose ears have such tropes been designed? Given that the proposed policy initiatives are unlikely to make any great impact on their nominal targets, could it be that their principal value lies in the prospect of persuading the increasingly unsettled natives that ‘something is being done’ to fend off the consequences of the changing tectonics of the global order? While such tactics may be music to the ears of hubristic fantasists, there seems little prospect that they will keep nemesis at bay.

### **The contemporary dialectics of border control**

One set in the context of dialectic processes of transgression and resistance operating over the *longue durée*, the fact that all these matters are currently coming to a head should not be a cause for any great surprise: having swung vigorously one way for several centuries, it was only to be expected that the pendulum would at some point swing back in the reverse direction. In such circumstances moralistic arguments, no

matter how carefully honed, can never be expected to facilitate the resolution of the underlying contradictions. It is easy to see why. In the contemporary world no less than in the historical past, those standing on opposite sides of such contradictions have readily been able to generate ideologically grounded arguments on the basis of which to convince themselves of the inherent righteousness of their own position, whilst simultaneously providing themselves with a means of dismissing the tactics and attendant justifications deployed by their opponents as being unreasonable as they are illegitimate. If the underlying dynamics of these contradictions are ultimately political, as they surely are, the only meaningful basis on which to tease out the dynamics of the underlying issues is to adopt a perspective that is (at least in the first instance) morally neutral in character. Only then can one begin to focus with any clarity on the strategic initiatives that the various contending parties have begun to deploy in an effort to defend and advance their contradictory interests. An exploration of the contemporary politics of 'border security' serves to highlight the dialectics of these processes with particular clarity.

In the aftermath of 9/11, 'border security' has emerged as an issue of pressing concern in most national jurisdictions. Efforts to enhance 'security' in this sense stand in sharp contradiction to those associated with most other dimensions of globalisation, such that barriers to the movement of information, goods and capital across such jurisdictional boundaries have been steadily reduced, if not yet entirely eliminated. The most salient deviation from the nominal premises of globalisation in this sense has occurred with respect to the movement of people – or to be more precise, to the mobility of those whose passports indicate that they are affiliated to the wrong jurisdiction (almost always located in the South) and/or whose capital assets are insufficient for them to be hustled through loopholes which have carefully been kept open to accommodate the exceptionally wealthy. Likewise the passport system, whose principal purpose is to monitor trans-jurisdictional travel, is being steadily upgraded. Although the requirement to produce such documentation was only introduced in the early decades of the twentieth century, it has now become routine and the documentation is currently being upgraded to include electronically readable bio data about their holders, in an effort to exclude an ever wider range of unwelcome border-crossers.

In a key paradox, these initiatives are a direct result of globalisation. In previous eras kingdoms and empires invariably welcomed the prospect of population growth, and hence of migratory inflows: more subjects generated more economic activity, which in turn precipitated a higher inflow of taxes and tribute; and provided they respected Imperial authority, mobility within the Emperor's domains – which were for the most part substantially more extensive than contemporary national jurisdictions – was generally unproblematic. Hence when expansionist rulers found themselves faced with dissent – as did the nascent British Raj when it faced a counter-hegemonic uprising in 1857 – its suppression was regularly followed by moves to formally incorporate the comprehensively subjugated dissidents into the Imperial order, so enabling the authorities to cast a cloak of hegemonic legitimacy over their enterprise. In India's case this led to the elevation of Queen Victoria to the status of Empress, with the result that – among other things – her British-Indian subjects gained the right to travel as they pleased through the length and breadth of her globally extended domains. While there is every reason to suppose that this fit of imperial generosity was initially regarded as a purely nominal concession, since few Indians beyond the deliberately pampered Maharajas could be expected to be able to raise the funds to finance a visit to the metropolis, it was not long before diasporic issues thrust their way above the horizon.

By the turn of the century entrepreneurs from the Punjab had begun to use their British-Indian passports to press their way into exercises in imperial expansion in Canada, Australia and New Zealand, much to the disgust of the British colonists who were busy establishing themselves in the same locations. Hence one of the first acts of the colonial assemblies which were just being brought into existence was to introduce legislation preventing British subjects of Indian origin from using their passports in this way, despite protests from London. Half a century later these self-same people presented the British Government with some equally embarrassing problems, when significant numbers of 'New Commonwealth Citizens' (the carefully constructed categorical appellation for those Imperial subjects who were not of European descent) began to arrive in Britain to fill the gaps in the burgeoning post-war labour market.

In an effort to close what had by now come to be regarded as 'loopholes', an endless stream of legislative measures was introduced in an effort to curb this unwelcome inflow. From the 1960s onwards a series of Commonwealth Immigration Acts reduced, and eventually eliminated, the right of overseas-born but non-patrial British subjects (i.e. those who did not have a father or grandfather born in the UK), to take up residence in the Imperial Homeland – even if they held British passports. In the following decades these measures were supplemented by an even more numerous series of Immigration and Nationality Acts, which provided the authorities yet further opportunities both to control immigration from all unwelcome sources and also to limit the rights of those granted a permanent right of abode. As a result, UK citizenship laws are not concerned with establishing the rights of citizens *vis-à-vis* the state: rather they provide the Secretary of State with far reaching powers to determine who is entitled to take up residence in Britain, to extend the period of denizenship before full citizenship is granted and to order the deportation of those whose behaviour is deemed to be contrary to the public good. In this sense 'Border Security' has become a major component of government policy.

### **Homeland security, border control and the construction of criminal offences**

Nevertheless, policing jurisdictional borders in a globalising world is proving to be an extremely challenging task. Since the legitimate flow of persons, goods and capital across jurisdictional borders is now so extensive, picking out 'the bad guys', together with their goods and assets, is like searching for needles in haystacks. Worse still, physiognomy is no longer a means of making the necessary distinctions. As a result successful processes of reverse colonisation during the past half century, many border-crossers with brown and black faces are by now UK, EU and US citizens. Not that this has inhibited efforts to detect and exclude the unwanted: popular demands for action have grown ever stronger, and democratically elected governments cannot afford to admit defeat. Instead migration managers have pressed on regardless, only to find that bringing diasporic inflows to a halt is a much more difficult task than turning off a tap.

In attempting to do so they face two main contradictions: on the one hand, the ever present demand for additional labour to perform all manner of menial tasks continues to attract would-be migrants in substantial numbers and has also precipitated the emergence of 'people smugglers' to facilitate their illicit passage through jurisdictional boundaries; and on the other hand, their passage through jurisdictional borders – whether on a licit or an illicit basis – is greatly assisted by their ability to tap into the resources of their own transjurisdictional networks, most especially when their

members have established a secure ethnic colony on the far side of the border. Hence while would-be migrants who enter as individuals are usually fairly easy to pick off, those affiliated to diasporic communities are sheltered by and readily absorbed into their respective ethnic colonies.

In meeting the resultant challenge migration managers needed to find a means of identifying their elusive targets in such a way as to produce a legitimate means of excluding them. The solution at which they eventually arrived was obvious enough. If networks were the principal resource on which migrants relied to penetrate transjurisdictional boundaries, then a focus on those very networks would be the best way of achieving their goal. Hence the twenty-first century saw the emergence of a set of policies which sought to cut the very sinews of these diasporic processes by labelling them as illegitimate and better still as criminal.

How, though, was that to be achieved? By this time members of many kin-based diasporic networks had begun to make the most of a highly effective means of legally subverting immigration restrictions: marriage. In most Euro-American jurisdictions those who married partners still resident in their home base – or indeed in any other location where their network had touched ground – most usually had a right to bring their spouses to join them, thereby enabling them to legitimately penetrate the jurisdictional boundary. Although it was difficult to challenge the right of marital reunion head on, if only it would also eliminate the right of non-diasporic nationals to bring overseas-born spouses to join them, what could be attacked was the familial conventions within the context of which such marriages were contracted. Once the focus was narrowed in this way, it was comparatively easy to argue that the familial conventions around which the networks in question sustained themselves were so ‘barbarous’ in character that there was no way in which their legitimacy could be accepted. Nominally feminist arguments initially articulated by Wikan (2002) set the stage. On the grounds that the conventions utilised to facilitate such objectives are oppressively patriarchal – as exemplified by arranged marriages in which brides are forced into conjugal relationships with partners whom they have not met, severely limiting their personal autonomy and leaving them acutely exposed to domestic violence – it was argued that there was an urgent need, if only on humanitarian grounds, to discount the legitimacy of such marriages for immigration purposes and also to introduce criminal penalties for those responsible for setting them up (Ballard 2008; Bredal 2005; Hagelund 2008).

### **A refuge for terrorists and money launderers?**

These dialectics are by no means confined to the circulation of persons: they also operate with equal force in another sphere in informal trans-jurisdictional networks have also demonstrated their logistical efficiency: the circulation of financial value on a global basis with a minimum of fuss and cost. While virtually all contemporary long-distance migrants remit a substantial proportion of their earnings to their kinsfolk back home, the formally constituted banking system has yet to devise a cheap and effective transjurisdictional payments system for retail customers. As a result all diasporic communities have developed (or at least tapped into) what have come to be described as Informal Value Transfer Systems (IVTS) to overcome the excessive charges which small-scale transjurisdictional value transfers through the formal sector invariably incur. IVTS networks vary a great deal in their size and sophistication, but those which have drawn on the resources of the Indian Ocean’s ancient *hawala/hundi*

systems have recently achieved a spectacular level of success. A multiplicity of networks drawn together in a hub of major Exchange Houses in Dubai, largely but by no means exclusively run by South Asian entrepreneurs, have recently given rise to what amounts to an alternative global payments system. In an elaborate system of back-to-back swaps the remittances of millions of labour migrants in Saudi Arabia, the Gulf, Western Europe and North America are delivered to recipients in a huge arc stretching from Somalia through to South Asia and on to Indonesia, providing liquidity in the order of US\$100 billion per annum (and probably a great deal more) of hard-currency liquidity with which to facilitate the settlement of all manner of commercial transactions in and around the Indian Ocean region (Ballard 2005, 2006), but no less than the 'people-smugglers', the Hawaladars have also found their activities subject to criminalisation.

The most powerful source of impetus behind these efforts can also be traced to the USA Patriot Act (full title *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act*), which was passed into law by Congress less than 6 weeks after the events of 9/11. Passed at great speed in the frantic atmosphere following the collapse of the twin towers, the Act's most draconian provisions were externally – and hence – transjurisdictionally oriented. Faced with the need to distinguish the 'good guys' from the bad, the Act fell back on just the same strategies as those devised by migration managers. Having promoted a global regulatory structure within the context of which all value transfers implemented as between formally constituted and compliant financial institutions could be deemed to be legitimate and safe, the Act sought to marginalise, delegitimise and ultimately to criminalise all those responsible for implementing value transfers on an informal basis.

There is little evidence to suggest that these measures, which have been wheeled out on a similar basis throughout the Euro-American world, have had any significant impact on the activities that they were nominally designed to curb. International drugs smuggling continues just as before and there is no evidence that the anti-money laundering regulations have significantly hindered terrorist activity. When terrorists and drugs smugglers have been caught, it is invariably a result of careful detective work focused on the targets themselves. Efforts to eliminate haystacks are by no means the most effective way of finding needles. With this in mind it is worth noting that such regulatory initiatives have not been consequence-free. As Passas argues in a well-informed article entitled *Fighting terror with error: the counter-productive regulation of informal value transfers*, the representation of such informal networks inherently criminal has had far-reaching and overwhelmingly negative consequences for transjurisdictional labour migrants. Arguing that the US authorities have engaged in 'fact free policy making' and that none of the many raids on Hawala operators made by Immigration and Customs Enforcement had resulted in terrorist charges, he goes on to conclude that:

The sad point is that clearly *underserved* ethnic communities are now de facto deemed *undeserving* of access to indispensable financial services. The decision over who is and who is not to have such access is delegated to the private sector, including banks eager to participate in the massive immigrant remittance market and not troubled if some of the competition is eliminated. (Passas 2007, p. 329)

Current developments in the financial sector mirror those found elsewhere. Just as border controls operate as a carefully structured sieve through which the globally

privileged can pass without significant let or hindrance, while unwelcome interlopers from below find themselves systematically excluded, the same is true in the world of finance. Corporations of all kinds – including those created by high net wealth individuals to shelter their assets – have direct access to the facilities of SWIFT, such that they can whisk multi-million sums around the globe at the click of a mouse. Meanwhile diasporic migrants who regularly send a few hundred dollars a month back to their families are faced with the choice of paying the substantial fee commissions charged by formally constituted agencies such as Western Union, or using the swifter, cheaper and much more convenient IVTS facilities, so leaving themselves open to the risk that their assets will not be impounded somewhere along the way on the grounds that the funds in question are *ipso facto* part and parcel of criminally inspired processes of money-laundering.

### Conclusion

Trans-jurisdictional networks are an increasingly salient feature of the contemporary world, not least because they provide the institutional foundations of all forms of globalisation. Regardless of whether they emerge from above or below and whether their foundations lie in formally articulated relationships of contract or in ‘informal’ relationships of reciprocity and mutual trust, all transjurisdictional networks serve a similar purpose: to facilitate the circulation of persons, of assets and of information across jurisdictional boundaries to the advantage of those involved. Nevertheless in the context of the current global order networks articulated on this basis are differentially distributed and above all differentially evaluated. Hence, while the great majority of corporate and hence formally constituted, networks emanate from the global North, their counterparts emanating from – as operating transjurisdictionally within – the global South are much more frequently diasporically grounded and consequently much more likely to take the form of self-sustaining and self-policing coalitions of reciprocity. In a globalised world this is hugely advantageous. While relationships of contract become more risky when they cut cross jurisdictional boundaries and hence become ‘translegal’ in Beck’s terms, diasporically grounded coalitions of reciprocity thrive in such circumstances, for they owe their vitality to their capacity to operate as smoothly as ever *across* such jurisdictional boundaries. Hence network-based initiatives such as Hawala owe their competitive advantage to their ability to contain systemic risk far more efficiently and hence more cheaply, than their mutually distrustful and sclerotically paper-bound Euro-American rivals providing similar services in the formally constituted banking sector.

Nevertheless, these differently structured forms of networking do not enjoy an equal degree of legitimacy in the context of the contemporary global order. Hence while those operating Hawala networks have found themselves facing criminal charges with money laundering, ‘respectable’ Euro-American banks have only managed to engineer the relocation of billions of dollars to exotic jurisdictional tax havens from the Bahamas to the Cook Islands, but have also managed to engineer themselves into a condition of systemic failure. How much longer can this state of affairs hope to sustain itself? In the course of little more than a decade Fukuyama’s hubristic claim that the collapse of the Soviet Union would mark ‘the end of history’ has been rendered meaningless by a wider set of developments that had long been waiting in the shadows: the long-overdue reverse of the Westward redistribution of

wealth and power that began in 1492, reached its apogee in the early years of the twentieth century and which has since been steadily gaining momentum in the opposite direction.

While the ultimate consequences of that reversal remain impossible to predict, especially since other developments – such as global warming – can be expected to have equally far-reaching consequences. Even so one point is undeniable: the resultant redistribution of wealth and power has already begun to have a far reaching impact on global tectonics. Within that arena, this essay has a relatively narrow focus: on the part played by migration and diaspora-formation in the *longue durée*. In doing so it has become clear that both parties have been equally active in playing this game and that both have been equally active in their reliance on the distinctive resources of their cultural capital both to drive forward their own interests, and wherever possible to delegitimise, and ultimately to criminalise the conceptual foundations of the strategies deployed by their competitors in an effort to keep their transgressive initiatives at bay.

Transjurisdictional initiatives cannot hope for success unless those involved are able to establish significant footholds – ethnic colonies, in other words – on distant shores. Such diasporic processes, now emanating from the South, have become a salient feature of the contemporary global order. What consequences are these mass exercises in population distribution likely to have? What are the prospects of migration managers being able to keep the transgressors at bay? Or are their plans destined to failure in the face of changing global tectonics? Such an outcome has begun to look increasingly likely, given that:

- Contemporary developments are part and parcel of the processes whereby the centre of gravity of global economy is being steadily shifting from the west back to the east.
- Despite the current recession, there are no signs that the demand for hands willing to fulfil menial tasks at the bottom of the labour market in the affluent North will disappear any time soon.
- Those who arrive to meet that demand are strongly entrepreneurially minded and view such menial employment as a step towards better things, if not for themselves, then certainly for their children.
- Despite Northern efforts to secure their borders, established ethnic colonies can be expected to continue to thrive and, as they do so, their members will continue to utilise the resources of their transjurisdictional networks to facilitate the arrival of further settlers.

Beyond all this a yet deeper set of issues can also be discerned. Like all hegemonies before them, the constructors and beneficiaries of the process whereby Euro-America gained a position of global dominance have sought to justify their position of privilege in moral terms. Hence they generated an elaborate conceptual schema by means of which they were able to represent their intellectual capabilities, as well as the premises which underpinned their civilisation, as being comprehensively superior to those of all others. As yet these hubristic premises remain largely unchallenged, at least in Euro-American contexts. As a result the great majority of indigenous Euro-Americans not only tend to underestimate the intellectual capabilities of the members of the Southern diasporic presence in their midst, but to be even more arrogantly dismissive of resources available within the cultural traditions that the transgressors have brought with them and to which they owe their transgressive success. It is precisely these

reasons that Euro-American policy makers, driven by populist pressures to which they feel they have no alternative but to respond, find themselves able not just to dismiss as inappropriate, but also to render illegal, the distinctive premises and practices around which the diasporic settlers routinely organise their personal, business and entrepreneurial affairs, *even when there are strong indications that the problem-solving strategies that their rivals 'from below' have chosen to deploy are highly effective and often superior to their own.*

Such hubristic assumptions, as well as the short-sighted strategies which are currently being deployed in order to defend the last frontier, appear to be little more than an open invitation to Nemesis to do her worst.

### Notes

1. One of which was the annihilation of the Russian Pacific Fleet by the Imperial Japanese Navy in 1905 – a clear harbinger for the future, at least for those whose eyes were not blinded by hubristic myopia.
2. Given their status as subjects of the (British) Crown, until the passage of the 1962 Commonwealth Immigration Act, migrants from South Asia, like all other Commonwealth citizens, gained just the same nominal civil status as members of the indigenous population the moment they stepped ashore in the UK. Those rights have since been steadily stripped away and disappeared entirely with the passage of the 1981 British Nationality Act.
3. In Saudi Arabia and the UAE, the vast majority of the population are denizens rather than citizens.
4. For an extended discussion of the issues, see Ballard (2008).
5. This slogan is to be found on all documents produced by the Home Office (the UK's Ministry of the Interior), the lead agency for all issues in this sphere.

### Notes on contributor

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