

The making of the global gambling industry: An application and extension of field theory

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Abstract The past two decades have seen a global convergence from gambling prohibition to legalization, but also a divergence regarding how new gambling industries are structured and regulated. This article compares two cases of casino legalization exhibiting different and, given conventional understandings of the two countries, unexpected outcomes. In the United States, ethnic entrepreneurs (Indian tribes) were granted a monopoly on casinos in California; in South Africa, the new ANC government legalized a competitive, corporate casino industry. Through explaining these disparate industry structurings, two arguments are advanced. First, Bourdieu's field theory best describes the interests and strategies of industry "players" as they attempted to shape policy. Second, Bourdieu neglects the independent role of institutions in mediating between field-level dynamics and concrete regulatory outcomes. In California, Tribes converted *economic into political capital* through a public election. In South Africa, the ANC used a centralized commission to implement corporate gambling over public opposition, in essence converting *political into economic capital*. By viewing policy domains as "dramaturgical prisms" whose sign-production tools and audiences facilitate certain but not other capital conversion projects, I both explain unexpected regulatory outcomes and synthesize field and political process theories.

During the closing years of the twentieth century, casinos were legalized across the United States and globe: from 1989 to 2000 the number of US states permitting casinos increased from 2 to 38, the number of countries from 77 to 109.¹ Formerly sites of vice to be suppressed because of their *bad* social and moral effects, casinos now provide an acceptable consumer *good*. The standard explanation for this phenomenon, proffered by industry spokespeople and radical critics alike, is an *economic* one: contemporary governments increasingly use legal gambling to extract from citizens a "painless tax" in an era of tightening budgets and popular

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¹ *International Gaming and Wagering Business* (1989, 2000). While the definition of what constitutes a casino vis-à-vis other forms of gambling enterprises will vary, most legal systems refer to a casino as a physical structure containing slot machines and/or table-games such as blackjack and roulette.

tax revolt.² Economic accounts, however, leave unaddressed the cultural “meaning work” legalization has entailed, especially policy protagonists’ strategies for framing a particular mode of gambling regulation as in the best interest of society.

This article makes two theoretical arguments. First, the theory of Pierre Bourdieu can account for both the material and symbolic dimensions of policy formation, thus providing an optimal framework for understanding the recent globalization of gambling. Governing officials’ interests in legalizing versus prohibiting gambling here derive from ongoing attempts to balance political capital (roughly, legitimacy) with economic capital (solvency). Potential proprietors, meanwhile, must convince relevant audiences within the political field that they can operate gambling so as to advance the social good; they seek, that is, to convert economic, organizational, and other resources into symbolic capital.

My second argument is that even though Bourdieu’s framework captures the general dynamics of gambling legalization, it does less well when “shifting from the relative conceptual simplicity of the criminal sanction to the subtlety and complexity of administrative regulation” – for example, in accounting for the specific rules established to govern a gambling industry.³ To rectify this I synthesize Bourdieu’s field analysis with political process theory, which highlights the importance for policy outcomes of state institutions and administrative procedures. The key link is dramaturgy. To shape policy is to accumulate and expend political capital within a particular “policy domain.” Yet insofar as political capital is in essence a *symbolic resource*, actors’ capital conversion projects depend upon the dramaturgical characteristics of the domain – especially the sign-production tools and audiences it offers. Policy domains, in other words, act as prisms mediating between, on one hand, actors’ interests and resources within the political field and, on the other, concrete regulatory outcomes.⁴ Dramaturgy, meanwhile, offers not simply a neutral analysis of presentational style in interpersonal interactions, but a powerful tool for linking agency and structure, power and process in modern politics.

This synthesis is elaborated through a comparison of two recent cases of states legalizing casino gambling – South Africa and California – though in disparate and unexpected manners.⁵ In each case a stable industrial field of small-scale gambling enterprises (e.g., charity bingo) was transformed during the 1990s into a large-scale casino industry. However, the regulations governing these new industries differ markedly regarding *property rights* (who may own, manage, and profit from the enterprise) and *industry structure* (the size of and degree of concentration within the industry). See Table 1. These divergent industry trajectories are at odds with what we would expect given both the long-standing political paradigms of state elites and the relative power of various groups in each country. In California where, as in the United States generally, neo-liberal ideology predominates and corporations exert significant influence over policy formation, a small coalition of Indian Tribes overcame opposition from

² For an account grounded in standard economics see, William R. Eadington, “The Economics of casino gambling,” *Journal of Economic Perspectives* 13/3 (1999): 173–192; for a radical critique that still adheres to the economic paradigm see, Charles T. Clotfelter and Philip J. Cook, *Selling hope: State lotteries in America* (Cambridge, MA: Harvard University Press, 1989).

³ Jerome Skolnick, *House of cards: The Legalization and control of casino gambling* (New York: Little, Brown and Co., 1978), 27.

⁴ As a corollary, and as it is shown in this article, struggles over policy are also struggles to move the policy-making process to particular domains where both the content and structure of one’s performances will encounter sympathetic audiences.

⁵ While it may appear strange that I am comparing a nation-state with a state within a larger nation, it is at these administrative levels in each case that casino policy was generated (i.e., at the federal level in South Africa, at the state level in the United States).

Table 1 Divergent casino industry rules

	Property rights	Industry structure
South Africa	Corporations	Maximum size. Structured competitively.
California	Indian tribes	Restricted size. Tribes have monopoly.

the state government, large firms, and civil society to obtain a monopoly over a multi-billion dollar casino industry. In South Africa, a parallel coalition of ethnic entrepreneurs had their request for casino licenses denied by the new African National Congress (ANC) government. The ANC, historically a socialist party that was at the time publicly committed to a redistributive domestic economic policy, created a privatized, free-market industry over opposition from both public and private actors.

In both cases, new regulations concerning property rights and industry structure are traced to a single policy “text” laying out the logic for legalizing casinos and structuring the industry in a certain way. In California this was the prevailing campaign in a public referendum; in South Africa a federal commission report. These policy texts thus constitute the core data around which the present study is centered. On one hand, I conduct content and institutional analyses to show that the texts had certain *effects*, that mechanisms existed to translate the logic of policy into a final set of enforceable industry rules in each country. On the other hand, I describe the *origins* of the two policy texts by elucidating the contexts of their production. This entails first moving outward to the immediate policy domain. Who were the authors of the policy documents? For whom were they writing, and what was the medium in which they wrote? Were there other, competing parties in the policy domain attempting to produce different sorts of texts? These questions required a further extension, from the policy domain to the larger political field. Who were the various groups attempting to influence policy, with what resources, and towards what ends?

These dual analyses of the origins and effects of policy texts demonstrate how policy domains mediate between the larger political field and concrete regulatory outcomes. In post-apartheid South Africa, the new ANC government saw competitive corporate casinos as the most efficient means of maximizing state tax revenues, even though it realized this policy would be controversial. Party officials used an apartheid era policy-making device – the commission of inquiry – to craft the necessary industry rules over opposition from civil society, large corporations, and ethnic entrepreneurs. The commission as a policy domain allowed state elites to *convert symbolic into economic capital*. In the United States, in contrast, a national commission declined to rule definitively on casinos, deferring policy creation to the states. In California, gambling policy was put to a public vote. Tribal entrepreneurs in turn spent vast sums of money to convince the electorate that limited, non-corporate gambling was best for the state. The referendum as a policy domain allowed Tribes to *convert economic capital to achieve symbolic capital*. See Table 2. The sign-production tools and audiences

Table 2 Capital conversions projects

	Initial balance of capitals	Nature of capital conversion
ANC	Surplus political capital/Deficiency of economic capital	Symbolic capital exchanged for economic capital
California tribes	Significant economic capital/Minimal political capital	Economic capital transformed into symbolic capital, which is then converted back into economic capital

characteristic of particular policy domains, in sum, facilitate certain but not other capital conversion projects. By viewing policy domains as “dramaturgical prisms,” I both explain unexpected regulatory outcomes and synthesize Bourdieu’s field theory with key insights from political process theory.

Research design and overview

Economic sociologists routinely describe industrial markets as fields, though they rarely integrate the field concept into Bourdieu’s larger theoretical apparatus.⁶ Scholars of Bourdieu, meanwhile, have decried the lack of systematic comparative analyses of field formation projects, especially on a global level.⁷ The present study addresses both of these concerns by comparing two industrial field transformations undertaken simultaneously on separate continents, chosen because they allow us to control for several factors: the industries exhibit similar histories, offer identical products, while the politics of policy creation entailed parallel coalitions of actors – incumbent non-profits and corporations against upstart ethnic entrepreneurs. The outcomes of policy struggles, in turn, were significantly different (i.e., divergent industry structures and property rights). Data derive from three years of fieldwork among all sectors of the gambling fields in southern Africa and the western United States. First, I analyze the entire universe of primary documents related to the history of gambling legislation in each region: Parliamentary debates, legislative histories of specific laws, government reports, and media propaganda. Second, I perform an extensive review of the secondary literature to identify and then interview sixty key elites within the private and public sectors in each region.

The remainder of this article is divided into five parts. The first is theoretical, providing an overview of three relevant literatures: the economic sociology of market formation, Bourdieu’s theory of the state, and political process theory. The second is historical, describing the emergence and consolidation of gambling-industrial fields in southern Africa and the western United States over the past one hundred fifty years. Despite tremendous social and economic differences between these two regions, the histories of their gambling industries are remarkably parallel; we are in fact comparing apples with apples. The third section describes the dynamics of policy creation in both regions in the 1990s. I show how the content of the final policy documents (South Africa’s commission report; California’s Tribal casino referendum) derived from authors’ strategies for tailoring their texts to the audiences and sign-production conventions of the policy domain. The fourth section describes how the capital conversion projects, which gambling policy creation entailed, are continually reenacted in the ongoing operation of the casino fields. I conclude by considering the implication of this project for future comparative studies on policy formation from a Bourdieuan perspective.

⁶ See Pierre Bourdieu, *The Social structures of the economy*, (Malden, MA: Polity, 2005). For examples see Rao’s work on consumer watchdog organizations in the United States, Hayagreeva Rao, “Caveat emptor: The Construction of nonprofit consumer watchdog organizations,” *American Journal of Sociology* 103/4 (1998): 912–961; Granovetter and McGuire’s study of the American electricity industry, Mark Granovetter and Patrick McGuire, “The Making of an industry: Electricity in the United States,” in *The Laws of markets*, edited by Michel Callon, (Oxford: Blackwell, 1998): 147–173; and Lounsbury, Ventresca, and Hirsch’s work on the emergence of a recycling industry in the United States, Michael Lounsbury, Marc Ventresca and Paul M. Hirsch, “Social movements, field frames and industry emergence: A Cultural-political perspective on US recycling,” *Socio-Economic Review* 1 (2003): 71–104.

⁷ Nick Couldry, “Media meta-capital: Extending the range of Bourdieu’s field theory,” *Theory and Society* 32 (2003): 653–677, at 672.

Theoretical background

Towards a capital-ist model of market fields

In this section I make two arguments. First, Bourdieu's conceptualization of the modern state as a political field improves upon theories of the state implicit in both economic sociology (as exemplified by Fligstein) and Marxist accounts (as exemplified by O'Connor). Second, Bourdieu's field theory neglects the important role of institutional structures in mediating between struggles and outcomes. To account for the divergent outcomes of competitive corporate casinos in South Africa and ethnic monopolies in California, I synthesize Bourdieu's theory of the state with political process theory via the link of dramaturgy.

To start though, we should define what a gambling industry is. Erving Goffman, whose 1967 essay "Where the Action Is" remains the only serious attempt to produce a sociological account of wagering, defined gambling as the placing of a bet by two or more parties on an event of uncertain outcome.⁸ In its most basic form, gambling entails no net loss or gain by participants in the long run.⁹ Goffman's example of two boys flipping for a nickel they find on the street illustrates the allure of basic "action." Demand typically exists though for a chance to win not just nickels, but large prizes and even fortunes.¹⁰ The facilitation of such action requires organization and resources, and is undertaken by a third party known as the "house" which takes a cut of the wagers (the "hold") to cover expenses and as profit.¹¹ Historically, gambling's status as an economic good to be sold by a third party, versus a social bad to be outlawed, has been the subject of ongoing dispute. Yet insofar as nearly all governments sanction some forms of wagering (e.g., church bingo, school raffles),¹² we may view casino legalization through the lens of economic sociology, as a transformation of a "gambling-industrial field."¹³ Our theoretical departure point is thus economic sociology and in particular the work of Neil Fligstein, "who has most successfully formulated a theoretical agenda for economic sociology."¹⁴

⁸ Erving Goffman, *Interaction ritual: Essays on face-to-face behavior*, (Garden City, NY: Anchor Books, 1967).

⁹ This assumes that the event determining outcomes is either random, or, if a contest of skill, that participants are of roughly equal capabilities. In this sense, gambling constitutes a short-term temporal redistribution of income, analogous to the gift exchange, see Marcel Mauss, *The Gift: The Form and reason for exchange in archaic societies*, (New York: Norton, 1990).

¹⁰ Gerda Reith, *The Age of chance: Gambling in western culture*, (London: Routledge, 1999).

¹¹ Richard A. Epstein, *The Theory of gambling and statistical logic*, (New York: Academic Press, 1995), 73.

¹² The main exception today is fundamentalist Islamic states. See Franz Rosenthal, *Gambling in Islam* (Leiden: Brill Academic Publishers, 1997).

¹³ A large literature exists that looks at the regulation of vice industries such as gambling or alcohol as an expression of status politics. Gusfield, for example, argued that debates surrounding vice industries were particularly salient in the United States due to the small role played by class-based parties in its political system. See Joseph R. Gusfield, *Symbolic Crusade: Status politics and the American temperance movement* (Chicago: University of Illinois Press, 1963), Erich Goode and Ben-Yehuda Nachman, *Moral panics: The Social construction of deviance* (Cambridge, MA: Blackwell, 1996), 78; Howard Becker, *Outsiders: Studies in the sociology of deviance* (New York: Free Press, 1963), ch.7; Kai Erikson, *Wayward puritans: A Study in the sociology of deviance* (New York: John Wiley and Sons, 1966). This study, by drawing on the work of Bourdieu, retains an attention to the symbolic struggles surrounding vice policy but considers as well its material nature.

¹⁴ Mauro F. Guillen, "The Economic sociology of markets, industries and firms," *Theory and Society* 32: (2003) 505–515, 505. For a further discussion of the importance of Fligstein's work to the economic sociology

Fligstein's central concern is to show how political and economic spheres intersect by demonstrating how state intervention into markets creates an industrial field.¹⁵ Under normal conditions, such fields will be stable: a status hierarchy among firms prevails, which specifies the relation among market actors as well as the rules and norms that guide their relationships. Stable fields undergo crisis, however, when challenger firms invade and attempt to usurp incumbents.¹⁶ Established firms struggle against challengers within specific policy domains where "politics resemble social movements" as prevailing parties seize political opportunities, build coalitions, and mobilize resources.¹⁷ Because of their pre-existing advantages in each of these areas, incumbent firms typically prevail.

At first glance Fligstein's framework fits our cases, though on closer examination it proves unable to account for divergent industry rules. In both California and South Africa during the twentieth century, state policy prohibited casinos but granted non-profit groups a monopoly on other forms of gambling. In neighboring jurisdictions – Nevada and the formally independent native reserves of southern Africa – corporate casinos earned great profits. During the late 1980s, entrepreneurs emerged and challenged prevailing property rights in court. Yet in California, Tribes overcame opposition from gambling incumbents and state officials to create a restricted industry over which they hold a monopoly; while in South Africa a parallel coalition of ethnic entrepreneurs failed and incumbents maintained property rights, though under a competitive industry structure imposed by the state over the wishes of large firms. These divergent outcomes highlight a theoretical lacuna in the economic sociology literature regarding state *interests*, for which I turn to a theory of the state grounded in the work of Bourdieu. While Fligstein proves that states are important actors in market-building projects, he offers no theory of state elites' interests in particular regulatory arrangements. Although his major work, *The Architecture of Markets*, presents a typology of state-market relations,¹⁸ its stated "purpose is not to propose a theory of the state. . .but only to note their potential influence on market formation through their power to make [industry] rules."¹⁹ Why, we may ask, did state actors in South Africa and California take radically different stances towards

of markets, see Richard Swedberg, *Principles of Economic Sociology*, (Princeton, NJ: Princeton University Press, 2003), 172.

¹⁵ In the Polanyian tradition, Fligstein emphasizes the false antimony between free markets and state regulation that neo-liberal economics take for granted. Even an extreme capitalist economy such as the United States relies upon regulation (anti-trust laws are a prime example) to maintain markets; see Karl Polanyi, *The Great transformation: The Political and economic origins of our time*, (Boston: Beacon, 1957), at 39, 75, 139.

¹⁶ Legal institutions are powerful domains through which challengers may precipitate "legitimacy crises" for dominant organizations, Fligstein, *The Architecture of markets*, 39; Lauren B. Edelman, "Legal ambiguity and symbolic structures: Organizational mediation of civil rights law," *American Journal of Sociology* 97 (1992): 1531–1576.

¹⁷ Fligstein, "Markets as politics," 663.

¹⁸ These typologies are based roughly upon those of Peter Evans, *Embedded autonomy: States and industrial transformation*, (Princeton: Princeton University Press, 1995); and Peter Evans, Dietrich Rueschemeyer and Theda Skocpol, *Bringing the state back in*, (Cambridge, MA: Cambridge University Press, 1985). They consider the extent to which states act as predators vis-à-vis industry, and the presence of an autonomous cadre of trained staff within the state. As Mauro Guillen points out, these typologies do not allow much leverage for understanding interventionist dynamics in developing countries such as South Africa; see "The Economic sociology of markets, industries and firms," *Theory and Society* 32 (2003): 505–515.

¹⁹ Fligstein, *The Architecture of markets*, 241. For example, in his work on the European Union, Fligstein argues that the "European Commission played a pivotal role as a collective institutional entrepreneur." Yet his analysis discusses only how the Commission brokered among the interests of businessmen and bureaucrats by creating a broad and vague plan, not how EU commissioners conceptualized among themselves their interests in this plan. See Neil Fligstein, "How to Make a Market: Reflections on the Attempt to Create a Single Market in the European Union," *American Journal of Sociology* 102 (1996): 1–33.

casinos, acting not just as mediators but as active participants in the struggles over legal gambling? And why were state officials successful in realizing their interests in South Africa but not California?

Legitimacy, solvency and the political field

Bourdieu's writings on the state provide a framework for understanding state interests in economic policy arrangements.²⁰ For Bourdieu, society is differentiated into multiple fields that, despite general structural homologies and varying degrees of autonomy, possess unique rules and economies of value.²¹ The modern state is conceptualized as a political field, in which the source of power is the possession of political capital.²² This "political capital is a form of symbolic capital, *credit* founded on *credence* or belief and *recognition*."²³ The essential character of symbolic capital in modern political fields, furthermore, is recognition as one acting not out of self-interest, but for the good of the whole, the nation, the universal: "The universal is the object of universal recognition and the sacrifice of selfish (especially economic) interests is universally recognized as legitimate."²⁴ While power in the political field derives from the presentation of oneself as having suppressed self-interested, especially economic, motives, political incumbents must simultaneously attend to the concrete demands of state administration, especially regarding fiscal solvency. Just as elites in other formally non-profit institutions, the balancing of economic and symbolic capitals is a central and ongoing dilemma.²⁵

Bourdieu's "capital-ist" approach resembles yet improves upon Marxist arguments concerning the dilemma of the capitalist state. O'Connor famously argued that states must balance

²⁰ See Bourdieu, *The Social structures of the economy*.

²¹ See Pierre Bourdieu, *The State nobility: Elite schools in the field of power*, (Stanford, CA: Stanford University Press, 1996), 264–267; Bourdieu, "The Genesis of the concepts of habitus and of field," *Sociocriticism* 2/2 (1985): 11–24; Bourdieu, *The Field of cultural production*, (New York: Columbia University Press, 1993), 38; Pierre Bourdieu and Loïc J. D. Wacquant, *An Invitation to reflexive sociology*, (Chicago: University of Chicago Press, 1992), 94–98. For summaries of the development of the concept of field and its utilization by American social science see, Rodney Benson, "Field theory in comparative context: A new paradigm for media studies," *Theory and Society* 28 (1998): 463–498.

²² Bourdieu's theory distinguishes between individual and delegated political capital (roughly analogous to Weber's conception of charismatic versus bureaucratic authority). Kauppi provides an overview though he is interested in demonstrating that the political field possesses the characteristics of fields generally, while I intend to point out the uniqueness of political capital, especially in relation to forms of value characteristic of the economic field; see, Niilo Kauppi, "Bourdieu's political sociology and the politics of European integration," *Theory and Society* 32/5–6 (2003), 775–789.

²³ Pierre Bourdieu, *Language and Symbolic Power*, (Cambridge, MA: Harvard University Press, 1991), 192, italics in original.

²⁴ Pierre Bourdieu, "Rethinking the state: Genesis and structure of the bureaucratic field," *Sociological Theory* 12/1 (1994), 1–18, at 9; see also Bourdieu, *The State nobility*, part IV; Bourdieu, *Practical Reason*, (Stanford, CA: Stanford University Press, 1998), 120. The historical evolution and specificity of the basis of modern state power, in which legitimacy is obtained to the extent one's own interests are erased and whose antithesis is encapsulated by Louis XIV's, "L'état c'est moi," is discussed by Bourdieu in "De la maison du roi à la raison d'État. Un modèle de la genèse du champ bureaucratique," *Actes de la Recherche en Sciences Sociales* 118 (1997): 55–68.

²⁵ Though the political field is not quite an "economic world reversed" like a pure artistic field, it does share broad commonalities with religious institutions. "It is important to know that the Church has long fulfilled quasi-state function of general interest and public service... which explains why it entered into very violent competition with the state at the moment when the 'social' state was put into place;" like the Church, the political field "is an enterprise with an economic dimension which cannot admit to so being and which functions in a sort of permanent negation of its economic dimension," *Practical reason*, 115, 120.

a legitimacy imperative (popular acceptance of capitalism, especially through the provision of welfare) with an accumulation imperative (an acceptable level of profits for capitalists). As capitalism advances, these two imperatives become increasingly irreconcilable, resulting in a fiscal crisis for the state.²⁶ However, by speaking of multiple forms of capital rather than contradictory imperatives, insofar as the former terminology relative to the latter connotes quantifiability and convertibility, we gain insight into how state agents manage the internal bookkeeping of economic and symbolic resources. Thus, rather than labeling a ruling party as *either* legitimate *or* illegitimate, I hold it possesses a surplus or deficiency of symbolic capital which can in turn be conserved or exchanged for other forms of capital.²⁷ State regulation of gambling illustrates the greater utility of Bourdieu's theory. For as long as gambling retains some degree of social stigma as an illicit activity, states may accumulate symbolic capital as protectors of the populace by prohibiting it, though at the cost of lost economic capital (i.e., taxation forsaken). Thus, state elite's interests in gambling policy will follow from their perception of their own balance of symbolic and economic capitals.

The role of political institutions

State officials, of course, are rarely able to simply translate their interests into policy. Bourdieu's field theory helps us to understand as well the strategies of the various groups that seek sanction to sell gambling. The dilemma for potential proprietors is the opposite of state actors: not how to turn symbolic capital into economic capital, but the reverse. Especially for private parties seeking gambling licenses, the central problematic, insofar as self-interested action is of no inherent value within the political field, is to achieve recognition that their preferred industry rules are in the interests of the social collective. They must, that is, convert economic, social, and other forms of capital into political/symbolic capital.

Looking through the lens of Bourdieu's field theory restates our original puzzle thus: Why was large casino capital unable in either country to "purchase" enough symbolic capital to shape policy as they wished? And why were ethnic entrepreneurs in America but not South Africa able to convert economic and organizational resources into symbolic capital? Bourdieu cannot account for our divergent outcomes insofar as his "field analysis needs a sociology of politics that would examine the actual processes of political action."²⁸ For Bourdieu, "a field does not have parts [or] components;" rather, it is composed of multiple subfields, each homologous in structure and function to the larger field.²⁹ A central insight of political process theory, however, is that states do have parts and that the characteristics

²⁶ James O'Connor, *The Fiscal Crisis of the Capitalist State*, (New York: St. Martins, 1973). O'Connor's work was prefigured by the work of Joseph Schumpeter, "The Crisis of the tax state," 99–140 in *The Economics and sociology of capitalism*, (Princeton, NJ: Princeton University Press, [1918] 1991). Although O'Connor foresaw the financial pressures placed upon the state under global capitalism, his thesis has fallen into disrepute because of its primitive theory of state action – i.e., a base functionalism characteristic of orthodox Marxism which views the state as merely serving the interests of monopoly capital. See Fred Block, "The Fiscal crisis of the capitalist state," *Annual Review of Sociology* (7): 1–27. In relation in gambling policy, we can say the following: for O'Connor legitimacy is associated strictly with the material well-being of the populace (hence welfare as the paradigmatic legitimacy-producing expenditure). He thus cannot account for the role played by "moral politics" in establishing the legitimacy of particular state regimes.

²⁷ The concept of symbolic capital is usually translated in American sociology as legitimacy. See for example, David Swartz, *Culture and Power: The Sociology of Pierre Bourdieu* (Chicago: University of Chicago Press, 1997), 89.

²⁸ David Swartz, *Culture and power*, 293.

²⁹ Bourdieu and Wacquant, *Invitation*, 104.

of these parts matter. Policy struggles are always refracted through historically embedded structures such as procedural rules, juridical norms, and standard operating procedures.³⁰

I argue that Bourdieu's field analysis can be fruitfully synthesized with political process theory through dramaturgy. Political/symbolic capital is in essence *recognition*, and thus presupposes a *recognizer* and a *recognized*. It is therefore context-dependent, a performative process analyzable in terms of the basic tenets of impression management described by Goffman.³¹ Policy domains here matter insofar as they offer policy protagonists particular dramatic *settings* (i.e., tools and conventions of symbol production) and *audiences* for their attempts to accumulate and spend symbolic capital.³² Rather than seeing the political field as a nesting doll housing multiple homologous subfields, I see the state as a kaleidoscope of policy prisms that facilitate certain capital-conversion projects but not others. The comparison of the transformation of gambling policy in California and South Africa demonstrates the independent role played by policy domains.

Genesis of gambling fields

In both South Africa and California during the early twentieth century, leading political and religious groups defined gambling as dangerous and immoral, allowing state elites to accumulate symbolic capital by proscribing it. Prohibition was not complete, however, as national and state-level laws allowed churches and other formally non-profit groups to offer a limited amount of gambling.³³ These systems of structuring the gambling field remained in place until challenger firms emerged and challenged prevailing industry rules in court. Industry and state actors in both countries mobilized to restore the pre-existing field. Although the resources and strategies with which they did so were very similar, such counter-offensives entailed steering policy production into divergent domains. The character of these domains, in turn, privileges the capital conversion strategies of challengers (Tribes) versus state actors (the ANC) in California and South Africa, respectively.

³⁰ Theda Skocpol and Edwin Amenta, "Did capitalists shape Social Security?" *American Sociological Review* 50 (1985): 572–575; Edwin Amenta, and Bruce Carruthers, "The Formative years of US social spending policies: Theories of the welfare state and the American states during the Great Depression," *American Sociological Review* 53 (1988): 661–678; Harland Prechel, "Steel and the state: Industry politics and business policy formation, 1940–1989" *American Sociological Review* 55 (1990): 648–668.

³¹ Bourdieu and Goffman overlapped briefly at the University of Pennsylvania. Though Bourdieu never attempted to systematically integrate the principles of symbolic interactionism into his theory, he did state that, "I feel a kinship and a solidarity with researchers 'who put their noses to the ground' (particularly symbolic interactionists)." See Bourdieu and Wacquant, *Invitation*, 113.

³² My approach is thus roughly in line with symbolic interactionist research on politics and the media, especially those examining the social construction of neutrality. See William A. Gamson and David Stuart, "Media Discourse as a Symbolic Contest: The Bomb in political cartoons," *Sociological Forum* 7/1 (1992): 55–86; William A. Gamson, "Goffman's legacy to political sociology," *Theory and Society* 14/5 (1985): 605–622; Steven E. Clayman, "Displaying Neutrality in Television News Interview," *Social Problems* 35/4 (1988): 474–492; Gaye Tuchman, "Objectivity as strategic ritual," *American Journal of Sociology* 77 (1972): 660–679; John Heritage and David Greatbatch, "Generating applause: A Study of rhetoric and response at party political conferences," *American Journal of Sociology* 92 (1986): 110–157.

³³ Though this analysis deals primarily with the generation of official gambling policy, it must be emphasized that at the city or neighborhood level official law was often compromised by politicians and law-enforcement officials who sanctioned, usually in exchange for cash bribes, various forms of illicit gambling. See Henry Chafetz, *Play the devil: A History of gambling in the United States from 1492 to 1955*, (New York: Clarkson N. Potter Inc., 1960)

*Early gambling law: "Let the kill joys rule"*³⁴

State formation in the western United States and southern Africa in the nineteenth century entailed the consolidation of power by gentile settlers along the frontier. Gambling prohibition was an integral part of this process, codified within the policy domain of new state constitutions. In California, state formation occurred in the context of conflict between Democratic Anglo agriculturalists who regarded themselves as defenders of the public good and "heathen" miners whose local governance structures condoned drinking, prostitution, and gambling.³⁵ "The sodbusters triumphed over the veteran frontiersmen,"³⁶ and instructed the initial state legislature "to pass such penal laws as may be necessary to suppress the *evil practice* of gambling."³⁷ And while the Progressive Party that controlled state government during the early twentieth century advocated a doctrine of temperance further solidifying gambling's status as vice, a close reading of the penal code produced during this era reveals that policy implemented far less than total prohibition.³⁸ Specifically, gambling was illegal only when the party acting as the house served as a *bank* – i.e., by directly betting against all players – rather than as a *host* – i.e., by charging a set fee for each round of gambling.³⁹ Such rules sanctioned three main forms of gambling – church bingo, horse-racing, and locally licensed card rooms – and thus granted (quite profitable) monopolies to three privileged groups within the state social order – religious organizations, agricultural elites, and municipal governments.⁴⁰

The British and Afrikaaner settlers who colonized southern Africa during the late nineteenth century, as part of the process of establishing "civilized" territorial units, also officially prohibited gambling. As in California, gambling was arbitrarily defined so as to grant select monopolies. The standard definition in Afrikaaner-controlled territories – which became national law after the National Party (NP) came to power in 1948 – framed gambling abstractly as "*an evil*" capable of "doing immeasurable harm to the public."⁴¹ Still, the fine print of the 1965 national "Gambling Act"⁴² prohibited only contests of *chance* as opposed to those requiring *skill*. State rhetoric justified this distinction in that only the former, which relies on luck rather than effort, undermines the work ethic of the populace.⁴³ This definition in turn allowed several groups to offer gambling: agricultural elites who operated a horse-racing industry,⁴⁴ and both churches and favored political parties who ran raffles and lotteries by converting them into contests of skill through the use of ludicrously easy "trivia"

³⁴ Mr. Plewman, *South African Parliamentary Debates*, (April 9, 1965).

³⁵ Walter Bean and James J. Rawls, *California: An Interpretive history*, (San Francisco, CA: McGraw-Hill, 1983).

³⁶ G. Robert Blakey, *The Development of the law of gambling*, (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1977), 378.

³⁷ California Constitution of 1878, Amendment 489, emphasis mine.

³⁸ California Penal Code, 330–337.

³⁹ California Penal Code, 330.11.

⁴⁰ Jerry M. Hill, *California gambling law*, (Sacramento, CA: Barash and Hill, 1992).

⁴¹ John Vorster, *South African Parliamentary Debates*, (April 30, 1965), emphasis mine.

⁴² Number 51 of 1965.

⁴³ Mr. Visse, *South African Parliamentary Debates*, (March 26, 1965).

⁴⁴ The act by bettors of studying and handicapping horses was labeled by lawmakers a gentlemanly exercise in rational calculation (Author interview with S. A. Strauss, Professor of Law, University of South Africa and Member of Howard Commission [August 1, 2001]).

questions.⁴⁵ In sum, by labeling gambling an evil, emerging state elites in both California and South Africa accumulated symbolic capital as non-self-interested protectors of “society.” However, the exact definitions of gambling elaborated in policy – a “banked” game versus one of “chance” – granted select monopolies.

The emergence of nearby casinos: “Where the action is”

While state elites in California and South Africa sacrificed economic for symbolic capital, in neighboring states during the mid-twentieth century an opposite configuration of interests arose: economically strapped yet politically secure governments that opted to legalize casino gambling. In South Africa the NP had solidified its apartheid doctrine by the late 1950s, according to which South Africa’s non-white “races” were to be relocated to native reserves (“homelands”) and ruled by traditional hereditary chiefs.⁴⁶ Though designed to be economically and politically self-sufficient, the homelands were characterized by dire poverty and a lack of an independent civil society.⁴⁷ To attract capital to the reserves, the NP in 1971 allowed the homeland chiefs to legalize casinos.⁴⁸ Sol Kerzner, a Johannesburg businessman famed for his political savvy, formed a firm called Sun International and by 1977 had obtained every casino contract in the homelands.⁴⁹ Sun’s monopoly was immensely profitable as white gamblers from urban areas flocked to the homelands to play the slot machines and table games illegal in South Africa proper.⁵⁰ Though the firm paid minimal taxes and imported casino workers from Europe, it helped to maintain the image of homeland independence essential to the fiction of apartheid.⁵¹

California also witnessed the emergence of a neighboring casino industry. During the late nineteenth century Nevada, like California, had been home to a rugged frontier culture of mining and vice.⁵² Yet Nevada, in 1931, legalized casino gambling. Why did Nevada’s trajectory of gambling regulation here diverge? Unlike California, Nevada was sparsely populated and had few natural resources; as its mining industry declined in the first decades of the twentieth century, the state fell into dire financial straits.⁵³ And unlike California’s

⁴⁵ S. Lotter, “The Odds against gambling,” *South African Criminal Justice* 7 (1994): 189–199.

⁴⁶ The homeland system was intended to create stable labor reserves for the mining industries, stop migration of blacks into the cities, and stem black political militancy by encouraging allegiance to traditional chiefs in rural areas. See Harold Wolpe, “Capitalism and cheap labour power in South Africa: From segregation to apartheid,” *Economy and Society* 1 (1972): 425–456; Michael Burawoy, “The Functions and reproduction of migrant labor: Comparative material from southern Africa and the United States,” *American Journal of Sociology* 81 (1976): 1049–1087.

⁴⁷ Jeffrey Butler, Robert I. Rotberg and John Adams, *The Black homelands of South Africa: The Political economy of development in Bophuthatswana and KwaZulu*, (Berkeley: University of California Press, 1977).

⁴⁸ The “Self Governing Territories Constitution Act” of 1971 allowed homeland chiefs to legalize casinos.

⁴⁹ *Sunday Times* (South Africa edition), Marcia Klein, “The Sun King Gets a License to Gild his Empire,” October 26, 1996.

⁵⁰ Jonathon Crush and Paul Wellings, “Southern Africa and the pleasure periphery,” *Journal of Modern Africa Studies* 21/4 (1983): 673–698.

⁵¹ *Daily Mail and Guardian* (South Africa ed.), Madeleine Wackernagel and Mungo Soggot, “How Pik got Sol off the Hook,” October 2, 1997. For a detailed account of the relation between Sun International and homeland leaders see Gerald A. Alexander, “Third report with particular reference to gambling rights,” *Commission of Enquiry into the Department of Works and Energy*, (Transkei Government Press, 1988).

⁵² John Findlay, *People of chance*, (New York: Oxford Press, 1986).

⁵³ A situation exacerbated by the fact that 90 percent of the state’s land is owned by the federal government and the other 10 percent non-arable.

Table 3 Growth of Nevada and Homeland casino revenues

	1970	1975	1980	1985	1990
Nevada casino industry (\$M)	575	1126	2382	3314	5238
Homeland casino industry (RM)	NA ^a	NA	52	195	862

Sources: Sun International annual reports, Nevada Gaming Commission annual reports

^aSun International was not listed publicly until 1981

pluralist political system, Nevada's state government has been dominated throughout the century by a small cohesive elite – for them any symbolic capital to be accrued by prohibiting gambling was dwarfed by the industry's revenue potential.⁵⁴ Nevada's casino industry was at first quite small due to its geographic isolation and a lack of financing for casino operators. By the late 1960s rapid population growth in California and an improvement of transportation routes to Las Vegas solved the former problem. An influx of capital from organized crime syndicates resolved the latter.⁵⁵ As with southern Africa's homelands, the monopoly enjoyed by Nevada's casinos led to massive profits for firms. See Table 3.

Challenges to field equilibrium

Insofar as the casino industries of Nevada and the homelands increasingly attracted tourists from California and South Africa, respectively, the economic costs of prohibition to the latter states (in terms of lost tax revenues) increased. Yet state officials in California and South Africa never attempted to overturn prohibition, demonstrating the durability of their gambling fields – i.e., of the “deal” set up between the state government and non-profits whereby the former accumulated symbolic and the latter economic capital. Field equilibrium was disrupted only with the emergence of challenger firms in the late 1980s who contested prevailing industry rules in court.

In California this occurred through a 1987 US Supreme Court decision allowing Indian Tribes to offer high-stakes gambling on their lands. In 1983 President Reagan had announced a new federal philosophy on Indian affairs based upon Tribal “self-reliance” and administered through cuts in funding for Native American programs.⁵⁶ California Tribes, secluded on small, desolate patches of land for over a century, began experimenting with novel means of attracting capital to their reservations. The Cabazon Tribe of San Diego county was one of several to open bingo parlors. While bingo, as a “non-banked game,”⁵⁷ was legal in

⁵⁴ Further offsetting any perceived gains in symbolic capital from prohibition was the relative absence of “traditional” groups in Nevada who are on average more likely to view gambling as a vice. The state had the lowest percentage of church membership and of citizens born in the state; the highest percentage of 1 and 2 person households; and lacked a significant rural class. See, James W. Hulse, *The Silver state: Nevada's heritage reinterpreted*, (Las Vegas, NV: University of Nevada Press, 1991), 296; Jerome E. Edwards, “From Back alley to main street: Nevada's acceptance of gambling.” *Nevada Historical Society Quarterly* 33/1 (1990): 16–27.

⁵⁵ William R. Eadington, “The Casino gaming industry: A Study of political economy,” *The Annals of the American Academy of Political and Social Science* 474 (1984): 23–35; Eugene Moehring, *Resort city in the sunbelt: Las Vegas 1930–1970*, (Las Vegas, NV: University of Nevada Press, 1989), 53.

⁵⁶ Patrick C. Morris, “Termination by accountants: The Reagan Indian policy,” *Policy Studies Journal* 16 (1988): 731–749.

⁵⁷ In bingo multiple players pay an entry fee to then play against one another to be the first to form specific patterns on a card based upon a series of numbers and letters randomly drawn. The house collects a fee for each round of bingo played, thus making it a non-banked game.

California, the Tribe offered jackpots higher than those allowed by state law. Claiming the Tribe was behaving criminally, county-level law enforcement shut down the bingo parlor in a SWAT-team raid.⁵⁸

The Cabazons successfully sued at the district level, arguing that as politically sovereign entities Tribes were immune from state gambling law. In 1987 the US Supreme Court agreed to hear the state's appeal and, surprisingly, ruled in favor of the Tribe.⁵⁹ Its ruling was based on two contradictory rationales. First, the Court recognized Tribal political sovereignty: "State regulation would impermissibly infringe on tribal government."⁶⁰ Second, it employed a balancing of interests test. Even though California argued that Indian gaming was susceptible to infiltration by organized crime and thus a threat to the state's citizens, the Court considered such concerns secondary to promoting Reagan's philosophy of Tribal "self-sufficiency." In sum, Tribal sovereignty was not absolute but rather a sovereignty of degree to be weighed against that of the state. Gaming Tribes, meanwhile, were framed not as vile vendors of vice but economic entrepreneurs to be emulated. These inconsistencies in the status of Tribes repeatedly resurfaced in the next decade. In the immediate aftermath of the decision, though, Tribes throughout California began new or expanded existing gaming facilities, offering not just bingo but casino-style games as well.⁶¹

During this same period a court in South Africa also issued a surprising decision on "illegal" gambling. Private entrepreneurs throughout South Africa had long attempted, unsuccessfully, to operate gambling "joints" in white urban areas.⁶² By the late 1980s, however, as the capacities of the police were stretched fighting the uprisings against apartheid, gambling law enforcement became a low priority and urban casinos mushroomed. Then in 1989 a South African of Middle Eastern descent – known informally as the "Blackjack King of Jo'burg" – brought suit against the Johannesburg police for raiding one of his casinos. In a surprise 1990 decision the judge accepted the plaintiff's argument that while chance plays a part in the outcome of any single hand of blackjack, in the long run a player schooled in mathematics could successfully beat the house through a method known as card counting.⁶³ In short, blackjack is a game of skill, not luck, and thus legal. As in California the ruling led to a proliferation of gambling venues; within two years there were an estimated 4000 small casinos operated not just by small entrepreneurs but civics and non-profits as well. Thus we see that a gambling field crisis was precipitated in both cases when challengers moved the policy domain to the judicial arena.

⁵⁸ According to P.L. 280, passed by Congress in 1953, the state of California does have jurisdiction over criminal violations on reservations, though none over civil matters.

⁵⁹ The fact that the Supreme Court decided to hear the case in the first place was, according to the Tribe's lawyer in the case, a bad sign for the Tribe's chances of winning the appeal. An experienced court observer at the time told him the Tribe had "zero chance" of prevailing (Author Interview with Glenn Feldman, attorney for Cabazon Band, March 7, 2002).

⁶⁰ *California et al. v. Cabazon Band of Mission Indians et al.* No. 85-1708, Supreme Court of the United States. This point was made in relation to the civil/criminal jurisdictional distinction discussed above. The Court ruled that because California does allow bingo, gambling law in the state – at least concerning bingo – is regulatory/civil rather than penal/criminal in nature.

⁶¹ Roger Dunstan, "Indian gaming in California," (Sacramento, CA: California Research Bureau, 1999).

⁶² See for example *The Citizen*, Rosemary Northcott, "Jo'burg's Gambling Cold War Heats Up," September 20, 1977; *The Citizen*, Jacky Lesage, "Police Take R1-M Haul in Gambling Den Raids," March 21, 1987.

⁶³ *State vs. Ibrahim Houssein*, JHB 7.

Casino incumbents strike back

Although the small gambling facilities emerging in rural California and urban Johannesburg could not match the elaborate amenities of Las Vegas's "Caesars Palace" or Sun International's "Sun City," the corporate monopolies of Nevada and the homelands viewed with concern these field challengers, situated in the heart of their main consumer markets. In both cases, casino corporations, having suffered defeats in the courts, attempted to revive and reinforce the prohibitory frame by shifting policy formation from the judicial to the executive or legislative domains. In South Africa Kerzner appealed to President F. W. de Klerk (NP) to shut down the new urban casinos.⁶⁴ In addition to publicly denouncing them as threats to public order,⁶⁵ De Klerk ordered his Minister of Justice, Kobie Coetzee, to draft legislation amending the skill-luck distinction and increasing penalties for violations of gambling law. The resulting "Gambling Amendment Bill" of 1991, however, generated backlash in the media and from opposition parties who labeled it "The Kerzner Bill."⁶⁶

To deflect such criticism De Klerk and Coetzee in 1992 called a commission of inquiry to study the matter. The "Howard Commission" recommended as a solution to the gambling dilemma the legalization of casinos in South Africa proper. To best protect the populace, however, they should be placed an hour's drive from cities, and limited to ten to insure against the "overstimulation of demand."⁶⁷ While the Howard Report replaced a prohibitory frame with a regulatory one, the new rules preserved the previous industry structure and hierarchy of incumbents. A restricted, rural industry catering to the urban middle class played right into Sun International's hands.⁶⁸ The Howard Report, however, was cast into the dustbin of history with the end of apartheid. The ANC that swept the country's first democratic elections had traditionally voiced criticism of the homelands and their corrupt casinos.⁶⁹ A criminal investigation was launched on Kerzner (who fled the country), and a new commission called to draft a national gambling policy in line with the goal of black empowerment. The future of casino incumbent Sun International in the new South Africa, in short, did not look promising.

A parallel dynamic occurred in the United States following the Cabazon ruling, as Nevada casino firms and state governments moved the policy domain from the judiciary to Congress, where elected representatives were pressed to pass legislation regulating the burgeoning Indian gaming industry. The Supreme Court, remember, had addressed only whether state regulations were applicable to Tribal bingo; the question of whether Tribes could offer casino-style games, such as slot machines and blackjack, was unclear. The majority of the more than two years of Congressional debate on Indian gaming concerned the question of whether to let Tribes run casinos – labeled *Class III gaming* – and, if so, under whose regulatory authority

⁶⁴ Author Interview with former official in the South African Department of Justice, August, 2001. See also *Sunday Times*, Alan Greenblo, "Kerzner Unauthorized," October 26, 1997.

⁶⁵ *Sunday Times*, Jocelyn Maker, "Sol Speaks Out as Casino War Reaches Climax," October 4, 1992.

⁶⁶ M. A. Hendrickse, *South African Parliamentary Debates* (October 14, 1992).

⁶⁷ *Howard Commission Report on Gambling in South Africa*, (Pretoria: Government Press, 1993), 110–112.

⁶⁸ A rival casino's managing director complained of the Howard Report, "Sun International could end up with all ten licenses," while Sun's MD admitted, "The recommendations were very close to what SI proposed. . . We were pleased with the outcome;" see *Sunday Times*, Ciaran Ryan, "Casino Proposals Draw Fire from Kerzner's Rivals," October 12, 1993.

⁶⁹ D.J. Dalling, *South African Parliamentary Debates*, (October 14, 1992); N. A. Sisulu, *South African Parliamentary Debates*, (June 18, 1996).

(Tribal, federal, or state).⁷⁰ As in South Africa, casino capital's interests were represented indirectly by state officials whose interests were aligned with theirs: Nevada politicians.⁷¹

As in the Cabazon case, the political status of Tribes dominated the two years of House and Senate debate. The concept of Tribal sovereignty, state and corporate representatives repeatedly argued, is fictitious and inimical to basic American values of economic fairness:

Some will tell you that this is a question of Indian sovereignty, and that the Federal Government should do nothing which might imply a role for government entities . . . [H]undreds of millions of dollars a year are provided by the Federal Government to the same people who want nonregulated gaming, and those dollars are spent by the Federal Government on those same lands where the gaming should be permitted.⁷²

Tribal representatives retorted that Indians are not US citizens, and to treat them as such would fly in the face of centuries of federal policy defining Tribes as sovereign nations:

It is . . . ironic to . . . hear that we lack the capacity to govern ourselves. Our neighbor, the state of New Mexico, is now celebrating its seventy-fifth birthday as a state. We on the other hand have been governing ourselves for over 750 years. Proposals to place Indian gaming under State jurisdictions are contrary to . . . two hundred years of Federal policy to recognize and promote [our] self-governance.⁷³

After a series of bills failed to pass during the 1987 and 1988 sessions, a “compromise” was proposed by Senator Harry Reid of Nevada according to which Tribes and states would be considered sovereign entities of mutual standing while the question of casinos in any given state would be settled through “good faith” negotiations between Tribes and the governor, and codified in a legally binding “compact.” The compact provision – especially its formal recognition of Tribal sovereignty – gained traction in Congress because it resonated with the Reagan administration’s self-sufficiency doctrine of administering Indian affairs, resulting in the 1989 “Indian Gaming Regulatory Act” (IGRA). IGRA was immediately labeled by most observers, however, as a stunning victory for Nevada corporations. “To [those] who represent Tribal units which rely on the income from certain games other than bingo. . . this is a devastating blow. . . This bill would seem to give evidence that the committee is more interested in the welfare of the large casinos in Las Vegas.”⁷⁴ Such prognoses focused on fine print stating that governors, when negotiating, *need not grant Tribes any gaming not currently allowed within the state*. And since at the time only Nevada and New Jersey (the latter of which has no federally recognized Tribes) permitted casinos, IGRA seemed to preclude Tribal casinos in the vast majority of the United States.

⁷⁰ Early in the hearings, Congress divided Tribal gaming into three classes. Class I consisted of traditional Tribal games played by Indians themselves and was to be subject to no outside regulation. Class II consisted of bingo style games such as those authorized under Cabazon, and were to be legal countrywide under a general set of federal regulations.

⁷¹ Historically the percentage of Nevada state revenue deriving directly from the casino industry has hovered around 60 percent. Unsurprisingly, scholarship on the state of Nevada has repeatedly remarked on the extent to which Nevada politicians act in the interests of the industry at the national level.

⁷² Reid [NV] US Senate Hearing 1987 100–341: 84; see also Vucanovich [NV] 1986 US House Debate; Rhodes [NV] 1988 US House Debate.

⁷³ Herman Agoyo, chairman, All Indian Pueblo Council, S Hrg. 1987 100–341: 107.

⁷⁴ Frenzel, 1988 House Debate H 8146.

Against all odds: The dramaturgical labor of field formation

It is hard to imagine two men more different than Nicolas Wiehahn and Paul Mandabach. Wiehahn, an Afrikaner and long-time high court judge in apartheid South Africa, headed a Commission of Inquiry in 1979 recommending the reformation of the country's racist labor laws.⁷⁵ As a result, Wiehahn gained both national fame and respect among black leaders as a *veligte* (enlightened) Afrikaner. Today Wiehahn is in his sixties and works as a legal consultant in a leafy Pretoria suburb. A self-described "deeply principled man," he points with pride during one of our meetings to a photo sitting atop a faux Roman pillar near his desk. The juxtaposition of the picture, of himself shaking hands with Nelson Mandela, and the classic architecture attests to his faith in the principles of classic liberalism and their capacity to create a just legal system in the new South Africa. Paul Mandabach, on the other hand, espouses no such adherence to formal doctrine, classical or otherwise. A white American in his forties, Paul is a pragmatist, the head of a political consulting firm that runs electoral campaigns for causes across the political spectrum. While Wiehahn's points of reference are the classics of Western philosophy, Mandabach, during our interview in his office overlooking the Santa Monica beachfront, runs in and out to handle multiple conference calls and monitor up-to-the-minute opinion polls from across the country.

What Wiehahn and Mandabach share is a mastery of their countries' respective political machineries, and both were enlisted by gambling policy protagonists (the ANC and Tribes, respectively). Less Howard Becker's "moral entrepreneurs" than "moral subcontractors,"⁷⁶ they were the direct authors of the key policy texts structuring the new casino industries. We can only understand the paradoxical trajectories of property rights (corporations versus non-profits) and industry structure (competitive versus monopoly) in South Africa and California by examining the "symbolic labor" these two men performed in producing these texts. In this section, I describe for both cases: first, the interests and resources of gambling policy protagonists; and second, how the two key policy texts was shaped by their authors' strategies for tailoring them to the settings and audiences offered by the policy domain.

California: From sovereignty to self-sufficiency

Although at its passage IGRA appeared a clear victory for casino incumbents, a close reading revealed that vague language actually deferred the struggle over Tribal casinos back to states. Specifically, fine print in IGRA stated that Tribes have the right to any forms of gambling permitted in a state "for any purpose by any person, organization, or entity." Although this phrase was originally considered innocuous by corporate and state representatives, Tribes subsequently combed through state gaming statutes for any provisions allowing casino-style games (for instance, Las Vegas charity nights for churches) to use as a basis for requesting Class III gaming. Three general state-level scenarios subsequently emerged. States such as Utah and Ohio permit no forms of casino-style gambling whatsoever, and their governors have refused to negotiate. Statutes in states such as Connecticut and Oregon definitely allow casino-style games, and their governors quickly cut deals allowing Tribal casinos in exchange for a percentage of revenues. In a third group of states, however, it was ambiguous whether the various forms of permitted wagering were in fact analogous to casino games. From the

⁷⁵ Edward Webster and Glenn Adler, "Toward a class compromise in South Africa's 'double transition': Bargained liberalization and the consolidation of democracy." *Politics and Society* 27/3 (1999), 347–385.

⁷⁶ Howard Becker, *Outsiders*, 147.

point of view of Nevada casino capital, this third group contained the most important state: California, whose market was estimated at over 10 billion dollars.⁷⁷

Initial struggles over Tribal casinos in California took place in state courts. In 1992 Tribes asked Republican governor Pete Wilson to negotiate a casino compact on the grounds that the “video lottery terminals” (VLT’s) used by the California lottery to dispense tickets were functionally similar to slot machines. Even though Wilson could have negotiated a revenue sharing agreement as part of a compact, his political base consisted of social conservatives who vehemently opposed gambling expansion. Not willing to risk losing political capital so early in his first term, Wilson refused to negotiate, claiming the state’s VLT’s were in no way analogous to casino slots. Tribal leaders, of course, disagreed with Wilson’s interpretation of the VLT’s and, absent any immediate mechanism for adjudicating between interpretations, engaged in “creative engineering” to construct the slot-machines to which they felt they were entitled. By the end of the year there were 14,000 such machines on Indian lands in California.⁷⁸

Thus there commenced a five-year struggle between Tribes and Governor Wilson over casinos in California. Wilson ultimately refused to grant them a satisfactory compact, but during this half-decade Tribes managed to keep their uncompacted slots up and running and thus to accumulate large amounts of economic capital. At first, this was made possible by legal ambiguities surrounding the interpretation of both IGRA and California gambling law. In early 1993 Wilson and his Attorney General planned a massive raid on Tribes’ slot machines; by this time, however, several Tribes had initiated suits to obtain judicial approval of their definition of the state’s lottery terminals and threatened countersuits should Wilson confiscate their machines. Neither IGRA nor federal Indian law defined procedures for dealing with such a dispute, and thus federal officials in the Justice Department intervened. Seeking a parsimonious solution to this quickly evolving legal morass, they negotiated between the two sides a “standstill agreement”: Tribes consolidated their various lawsuits against Wilson while both sides agreed to abide without appeal to the court’s decision. And during litigation Wilson, while not acknowledging the legality of the disputed slots, allowed them to operate provided Tribes did not increase their overall number.⁷⁹ The consolidated court case, *Rumsey v. Wilson*, centered mainly on the technical characteristics of the VLT’s and the Tribal slots, and was litigated until 1994. The final ruling by the US Court of Appeals Ninth Circuit was a resounding defeat for Tribes. The terminals operated by the California lottery were not slot machines, while the Tribe’s machines were. “The state,” therefore, “need not give Tribes what others cannot have.”⁸⁰

Despite this ruling Tribes were able to continue operating their slot machines for several more years. In the aftermath of the case, Wilson announced that he was willing to negotiate

⁷⁷ Because of the large percentage of Nevada casino revenue deriving from Californians and large number of federally recognized Tribes in California (102, the most in the country), it was assumed that if California Tribes were legally sanctioned to offer casino games, Nevada’s casinos would take a major hit; see Bear-Stearns, *Native American gaming in California: Nevada’s biggest risk?* (New York: Smith-Barney, 2000).

⁷⁸ Dunstan, “Indian gaming in California.” Though Nevada casino firms undoubtedly lauded Wilson’s position, it does not appear that there were any formal connections between the two parties. As with the potential of earning revenue from Indian casinos, Wilson likely feared that accepting contributions from Nevada casinos would run him afoul of his conservative base.

⁷⁹ The Wilson administration was by this point drawing heat from the state legislature for devoting so much money and manpower to the Indian gaming issue. Confident they would prevail in court, they saw the standstill agreement as a chance to conserve resources. See Dan Lundgren, Testimony before California Legislature Joint Hearing on Indian Gaming in California, Sacramento (November 29, 1993).

⁸⁰ *Rumsey Indian Rancheria of Wintun Industry. v. Wilson*, 64 F.3d 1250 (9th Cir. 1994).

a compact, but *only* with those Tribes who had refrained from suing him in the Rumsey case. Only one Tribe, The Pala Band, initiated negotiations with Wilson, and these talks were by all accounts acrimonious. Wilson insisted upon a secrecy clause during negotiations, which angered other Tribes. The Palas, however, had received a pledge from federal authorities not to raid any Indian casinos while negotiations were ongoing – “US attorneys,” explained the Tribe’s lawyer, “would not have stayed their hand without Pala.”⁸¹ Why Wilson opted to open negotiations following his success in the Rumsey case is not entirely clear. Tribal leaders in the state have told me they believe he did so to spite the “outlaw” Tribes who had sued him. Other political insiders, both Democrat and Republican, point to the tremendous revenues being reported for the first time in the new Tribal casinos of Connecticut.⁸² Wilson, just elected to his final term and thus less concerned about alienating his base, may have readjusted his calculus of the economic and political costs of cooperating with at least some Tribes to get the state a cut of the potential action. Regardless, the talks and illegal slots continued unabated for nearly three years, allowing Tribes to stockpile gaming revenues and form several intertribal advocacy organizations.

The “Pala Compact” of 1998, however, was for all purposes stillborn. Most Tribes publicly denounced it as a sham, an attempt by Wilson to strong-arm them into accepting a compact that “subjugated sovereignty.”⁸³ With no compact and no litigation or negotiations ongoing, US Attorney General Janet Reno on May 14, 1998 authorized state authorities to confiscate all Tribal gaming machines in the state. Tribal leaders at this point could have folded, pocketing the millions earned in “illegal” gaming revenue over the past decade. Instead they attempted a last ditch effort to obtain a Class III compact. California’s proposition system, instituted by the Populists as a safeguard against a monopolization of power by state officials, allows a public vote to substitute for a gubernatorial decree. By investing the funds necessary to qualify an initiative for the ballot and run a campaign, Tribes could potentially circumvent the governor and win public approval for a compact.

Having failed in the courts, Tribes prevailed within this final policy domain, a public referendum called *Proposition 5: The Tribal Gaming Initiative*. Exactly *why* Prop 5 succeeded is beyond the scope of this article. Given that the California public had in recent years voted down a series of similar proposals to legalize limited casino gambling, we may infer that Tribes’ strategy for framing their casinos as in the best of interest of the state achieved sufficient resonance with voters. My objective instead is to demonstrate *how* the dynamics of the campaign shaped the contours and contents of the resulting casino compact. Tribes’ attempts to sway undecided voters via television commercials entailed particular framings of who is a proper gambling operator (Tribes, not corporations) and the structure of the industry (limited and monopolistic). The sign-production conventions and audiences characteristic of an electoral campaign, that is, allowed Tribes to convert economic into symbolic capital and led to a particular set of industry rules. The referendum as a structured policy domain operated as a dramaturgical prism mediating between agency and outcomes.

As the campaign began what was the configuration of actors, and how did they tailor their resources and strategies to the policy domain? A referendum of this nature is in essence

⁸¹ Author interview with Howard Dickstein, Attorney for Pala Band, (February 1, 2002).

⁸² In Connecticut, Tribes successfully argued that because state law allowed charities to operate small “Las Vegas Night” once a year, they could operate full-scale casinos. The state in turn negotiated a revenue sharing agreement with Tribes and by 1995 two of the world’s largest casinos (the Pequot Foxwoods Casino and the Mohegan Sun Casino) were operating in Connecticut, producing hundreds of millions of dollars for the state government.

⁸³ Michael Lombardi, “Long Road Traveled” (Sacramento: California Indian Gaming News, 2000).

a two-sided “framing contest.” Yet insofar as the winning side, by framing their preferred meanings of gambling and casinos as in the interests of the entire state, receives a definitive public mandate of support, it represents as well a paradigmatic act of symbolic capital accumulation and deployment. The anti-casino side in the Prop 5 campaign was the “Coalition Against Unregulated Gaming” (CAUG). Its official organizers consisted of several prominent community activists well-known in state politics. Unlike governor Wilson, they decided to accept contributions from Nevada casino firms who in turned poured \$25 million into their campaign. In addition, CAUG received official endorsements from prominent state and local politicians, religious leaders, and organized labor – to say this coalition had deep pockets and broad political influence is an understatement.⁸⁴ The Tribal coalition – California Indians for Self-Reliance (CISR) – in contrast, operated with few endorsements from major political organizations, though their total expenditure on the campaign, \$60 million, was commensurate to that of the opposition.

The dramatic shift in policy domain entailed a shift in Tribes’ dramatic strategies for obtaining casino rights. To this point they had operated mainly in the courts, hiring lawyers to make technical arguments to a judiciary audience. The referendum entailed very different audiences and settings (voters and advertisements) and thus the use of public relation professionals rather than lawyers as key intermediaries. Regarding the relevant *audience* for the campaign, early polling revealed the overall electorate to be evenly split with 35 percent strongly against, 35 percent strongly in favor, and 30 percent undecided or not set in their opinion. This 30 percent was thus the target audience for both sides, which polling revealed to be politically moderate, middle class, and suburban. As is standard in campaigns, focus groups were used by both sides to develop key ideas and messages that might sway the undecided. CISR found that such voters were unsympathetic to legalistic arguments based on rights or sovereignty. Their focus groups, however, revealed a resonance between the self-sufficiency component of the Cabazon decision and the welfare-to-work discourse prevailing in American politics.⁸⁵ Thus their core frame: casinos as a means to Indian “self-reliance.” CAUG, in contrast, found that undecided voters worried that Tribal casinos would be a first step towards the construction of casinos in their own neighborhoods. Thus their core frame: Indian casinos would be unchecked and unregulated.⁸⁶ Regarding how protagonists conceptualized the dramatic *setting* of the policy domain, each side assumed that its core frame had to be elaborated within a larger “package” of key phrases, sound bites, and images.⁸⁷ Although frame elaboration was accomplished via a wide array of materials (direct mailings, radio ads, and web-sites), both CISR and CAUG assumed that television advertising was the main medium for reaching voters and thus the majority of campaign funds were spent to design and air such ads.

⁸⁴ Richard Maullin, “Passing California’s Proposition 5,” *Campaigns and Elections*, (February 1999).

⁸⁵ Author Interview with Paul Mandabach, president, Winner/Wagner and Mandabach (Yes on 5 Campaign agency), (January 30, 2002).

⁸⁶ Author interview with Gina Stassi, co-director of advertising firm in charge of No on 5 campaign (November 14, 2001).

⁸⁷ For an elaboration of these key terms in the social movement literature on framing, see Timothy Kubal, “The Presentation of political self: Cultural resonance and the construction of collective action frames,” *The Sociological Quarterly* 39 (1998): 539–554; David E. Snow and Robert Benford, “Master frames and cycles of protest,” in *Frontiers in social movement theory* (1992, edited by Morris and Mueller), 133–155; Dawn McCaffrey and Jennifer Keys, “Competitive framing process in the abortion debate: Polarization-vilification, frame saving, and frame debunking,” *The Sociological Quarterly* 41/1 (2000), 41–61; Myra Marx Ferree and Frederick D. Miller, “Mobilization and meaning: Toward an integration of social movements,” *Sociological Inquiry* 55 (1985), 38–61.

Fig. 1



We now move to a content analysis of the PR material produced during the campaign. CISR's strategies for elaborating its core frame and rebutting that of the anti-casino coalition, we will see, entailed certain representations of Nevada corporations, industry size and the proper distribution of gambling revenues. These representations would in turn be codified as rules regulating property rights and industry structure in the Tribal casino compact. The campaign lasted from July to October 1998, and proceeded in a series of "waves." The first wave consisted of an initial "attack ad" from CAUG in which they offered, in a series of dramatic images, their core frame: Prop 5 would lead to an unchecked expansion of casinos. Consider the following TV commercial:

Video Capture 1: Suburbanites see erupting casinos

A husband and wife walk together down a quiet suburban street. They are white and coded as middle class (note the sweater tied around the woman's shoulders). Suddenly, casinos erupt from the trembling ground, sprouting up all around them. A man's voice narrates, "Right now most Tribal casinos are far away from where we live. Prop 5 will change that. . .any Tribe could buy land anywhere and build a casino. Proposition 5 gives us no vote and no voice." (July 27, 1998)

In planning their campaign strategy CISR correctly predicted that CAUG would prey on fears concerning the deleterious effects of casinos on non-Indian communities. Rather than challenge this definition of gaming as a potentially harmful vice, CISR argued Tribes would limit casinos and keep them away from urban areas. Consider the commercial aired in response to the "erupting casinos" ad:

Video Capture 2: Indian spokesperson on hillside

Mark Macarro, a Native American spokesperson, addresses the camera directly. He is dressed simply – in blue jeans, a plain shirt and bolo tie – and stands against the backdrop of a wooded hillside. He states, "For too long, fear tactics have been used to scare people about Indians. . .These ads claim prop 5 would allow casinos to sprout up

Fig. 2



like weeds all over California. The truth is, 5 simply allows Indians to continue to have limited gaming on Tribal lands.”

So while CAUG contended that Prop 5 opened the door to unregulated/urban casinos, CISR countered that it created a regulated/rural industry. The visual depictions of these positions drew upon polarized images of California landscapes (cashmere and city streets versus denim and pastoral hillsides).

In the second wave of the campaign, CISR took the offensive by disseminating its core frame of self-sufficiency. Past attempts by the state to economically assist Tribes crushed their entrepreneurial spirit and replaced it with welfare dependency. Casinos will allow Indians to, for the first time, participate in the American dream of meritocracy. This motif was ubiquitous in its media material:

“On reservations with Tribal casinos, unemployment has been cut by nearly 50 percent, welfare dropped 68 percent. . . We are pulling our weight and paying our own way.” (TV ad “Yes on 5”)

Indian casinos have provided many California Tribes with much-needed jobs that take Indians off welfare. (CISR Direct mailing)

CISR extended the master frame of self-reliance to another aspect of Tribal gaming. Casinos were depicted as a developmental project for Tribal communities whose lack of basic infrastructure had hindered participation in the “American Dream.” A frequent motif juxtaposed images of Tribal children with those of infrastructure being built on reservations:

Video Captures 3 and 4: Development of reservation infrastructure evens playing field for Tribal youth

“Growing up on a reservation was hard. Lots of heartache, lots of poverty. . . Indian gaming has broken the cycle of poverty and I’ve seen it first hand. In my own family and my own children. . . they are smiling a lot more than I used to.” (CISR TV ad, 1998, “Broke the Cycle”)

CAUG responded with a radical counter-framing of Tribal casinos’ developmental impact. Prop 5 would not empower Indians throughout the state; rather it would allow a few Tribes to enrich themselves and finance their lavish lifestyles.



Fig. 3

An October 26, 1998 TV spot called “The Mansions of San Manuel” opens with impoverished Indians sitting on the ground on a dusty road. The next shot is from a helicopter; it shows the large homes built by members of the San Manuel Band of Mission Indians with their gaming revenues, complete with swimming pools. The voice-over: “Voters wanting to help poor Indians are being deceived by the backers of Prop 5. These are the mansions of San Manuel, a Tribe with 25 members and one lucrative casino. They’re spending over a million dollars each to pass Prop 5. . . 5 just makes a few rich casino owners richer.”

In their response ad, CISR did not deny that the majority of their funding derived from a handful of Tribes; rather, they reframed this spending as not self-interested but altruistic action. Casino Tribes were risking their own capital to ensure that other Tribes – and even future generations of Indians – could reap the benefits of casinos.

In an October 6 TV commercial entitled “Got Something Right,” Mark Macarro, by now the de facto spokesman for CISR, again stands in a rural field and addresses the camera directly. He puts his arm around a young boy and states, “California Indians are fighting hard to defend ourselves and the successful Tribes are spending more to protect all of the 85 Tribes that support Prop 5. That’s as it should be.”

In the third wave of framings and counter-framings, CAUG linked its master frame “unregulated” to the related ones of “untaxed” and “unfair,” and presented itself as a coalition of civic groups (small businesses, politicians, labor unions) concerned that Prop 5 would give Tribes an unfair economic advantage.

In a commercial entitled “Check It Out,” a small business owner bussing the tables in her own restaurant speaks to the camera, “[Indian] casinos pay no state or local taxes. I do but they don’t. Unregulated, untaxed casinos are unfair to businesses like mine.”

CISR refuted this framing not by disputing that Tribes would have an advantage over other California businesses, but by deflecting attention to the funding of the opposing campaign



Fig. 4

by Nevada corporations. They were the real enemies of free market principles, seeking to preserve their own monopoly by killing competition from Tribes:

Video Capture 5: CISR frames CAUG as Nevada front

“They’re at it again, another anti-Indian ad from the big Nevada casinos. . . We’ll continue to trust you the voters to reject the Nevada casinos’ deceptive ad campaign.”

The compact negotiated following the passage of the Tribal Gaming Initiative reflected the dynamics of the electoral framing contest.⁸⁸ It placed quantitative and temporal limits on the involvement of private companies, vilified during the campaign as self-interested outsiders. To ensure against the concentration of profits with a few wealthy Indians, a revenue sharing system was established to spread capital among all the state’s Tribes, even those without casinos. To guarantee individual Indians are “uplifted,” revenues must be classified as governmental funds – not private profit – and used for social services for Tribal members. Finally, so the industry does not spread unregulated into sub/urban areas, the number of gaming devices in the state is limited to well below what standard economic models predicted the market could support.⁸⁹ Our analysis of the dramaturgical dimensions of the policy domain, in addition to allowing us to account for the unexpected outcome of “non-profit”

⁸⁸ It would of course be incorrect to assume that promises made and symbolic framings disseminated during the course of a campaign are invariably translated into concrete policies. However, California’s referendum process, in which specific proposals and policies are put in front of voters, contains considerably less “slack” for political actors to go back on their words than do, for instance, elections for political officers whose broad platforms may subsequently be transfigured or reinterpreted. Future studies of political action as capital conversion projects should consider the existence and efficacy of institutional mechanisms insuring exchanges of symbolic and material resources in the policy domain are replicated in the field.

⁸⁹ Prop 5 received 63 percent of the votes cast. It should be pointed out too that we can see how the referendum process affected the structure of California’s casino industry not just in comparison with South Africa, but with other US states as well. For instance, California’s was the first state compact to establish a revenue sharing system for non-gaming Tribes, a provision added to the compact as a direct result of the controversy surrounding the “Mansions of San Manuel” advertisements.



Fig. 5

casinos in California, permits us to extend Bourdieu's theory of the political field. Tribes' successful conversion of economic into symbolic capital, that is, was possible only in the specific context of a public election.

South Africa: A Vegas on the veld

The role of policy domains as dramaturgical prisms becomes even clearer when comparing California with South Africa, where we find a similar alignment of industry actors and resources yet a disparate policy outcome: rules to create a competitive, corporate industry. These rules were crafted in a very different sort of policy domain: a national commission of inquiry. This section asks two broad questions. First, how did state elites perceive their interests in a particular casino policy? Second, how did the commission allow state elites to realize their interests vis-à-vis other actors?

During the two years following the official end of apartheid (1994–96) a Government of National Unity (GNU) was charged with drafting the country's new constitution. The question of who would have authority over gambling policy saw a bifurcation between the ANC, which sought national control, and the country's minority parties, which desired provincial control. The ANC prevailed through arguments that national coordination was necessary to curtail "harmful competition" among provinces.⁹⁰ At this point ANC officials operated with two assumptions regarding the public's position toward gambling. First, there was minimal support for the liberalization of gambling law from *citizens*.⁹¹ Second and as demonstrated by the success of both the homeland and new urban casinos, there was a high degree of demand for gambling from *consumers*.

⁹⁰ *Business Day* (South Africa ed.), Edward West, "ANC shows its hand on gambling," February 28, 1994.

⁹¹ The only survey conducted during this period on public attitudes toward gambling found that only 10 percent of blacks and 4 percent of whites were "in favour of legalised gambling" in the new South Africa. See *Human Sciences Research Council*, "An Independent socio-economic assessment of the conditions and contents of Afrisun Mpumalanga's bid for a casino license in Mpumalanga," (Witbank, SA: Witbank Academics, 1996).

The ANC's decision to pursue mass corporate gambling resulted from an asymmetry of political versus economic capital. On one hand the party, elected by landslide margins, possessed a mandate as the party of all South Africans to define as legitimate or illegitimate a wide variety of existing and emergent institutions and activities. On the other hand, it faced a severe financial crisis due to: the cutting of corporate taxes to attract foreign investment, the "hiding" of assets overseas by wealthy whites, high levels of unemployment, and a huge informal economy.⁹² In our interviews, ANC officials charged with crafting gambling policy reported that they did perceive and act upon this capital asymmetry. Gambling was referred to at the time as a "painless tax" that could be offered as a concession to provincial leaders who collected taxes directly (thereby reducing the national state's burden of subsidizing the provinces). And while legalizing corporate casinos was politically risky, party officials felt sufficiently insulated from public opinion to do so: "people were taking us into an awful lot of trust at the time with these policies."⁹³

Merely elucidating the interests and resources of the state, however, is insufficient to explain final policy outcomes. The ANC – unlike the Wilson administration – was able to achieve its capital-conversion project relative to gambling incumbents and challengers insofar as policy formation remained within an institutional legacy of apartheid: the commission of inquiry. Commissions were a standard instrument used by apartheid officials to produce "coherent schemes of legitimation" for their racist policies, as objective means for pursuing the "common good."⁹⁴ The commission, as a policy domain, offers those who control it sole authorship over policy texts. In addition, its procedures of requesting submissions from society and its technocratic tone allowed ANC officials to both minimize lost symbolic capital and maximize economic capital garnered.

To illustrate, I examine the conditions of production as well as the content of the gambling commission report. During the GNU period, gambling was put into the portfolio of deputy Minister of Justice Chris Fismer, a former NP parliamentarian who had switched allegiance to the ANC. Fismer, labeled in government circles the "Minister of Gambling," worked closely with Alec Erwin, former ANC ideologue and new head of the department of trade and industry.⁹⁵ In consultation with the ANC executive, the two brainstormed the outlines of a corporate casino industry. To give formal justification to these plans (especially the linking of casinos to the government's larger mandate of black empowerment), they enlisted Wiehahn to author a comprehensive gambling study and sent him a detailed brief of their policy objectives. This selection of the policy author was a key moment. Wiehahn had authored dozens of Commission reports during apartheid; new federal officials were well aware of and took advantage of his reputation as a veteran political actor skilled at translating the general vision of party officials into a concrete set of regulatory rules.⁹⁶

⁹² See Hein Marais, *South Africa: Limits to change: The Political economy of transformation*, (Cape Town: University of Cape Town Press, 1998), ch. 4.

⁹³ Author interview with former official in the South African Department of Justice.

⁹⁴ For a detailed description of the use of the commission during apartheid see, Adam Ashforth, *The Politics of official discourse in South Africa*, (Oxford: Clarendon Press, 1990), 3; T.R.H. Davenport, *The Transfer of power in South Africa*, (Cape Town: University of Toronto Press, 1998), 73. Bourdieu makes the same point in general concerning "this strange institution called a *commission*": consisting of "a set of individuals vested with a mission of general interest," they must "labor, if not to sacrifice their particular point of view on behalf of the 'point of view of society,' at least to constitute their point of view into a legitimate one, that is, as universal, especially through the rhetoric of the official;" "Rethinking the State," 20, italics in original.

⁹⁵ *Weekly Mail and Guardian*, Hazel Friedman, "Russian Roulette and the RDP," March 1, 1996.

⁹⁶ Information in this paragraph derives from Author Interviews with Chris Fismer, former Deputy Minister of Justice, (July 17, 2002; November 5, 2002).

Upon receiving the brief, Wiehahn set to work. First, nineteen representatives from civil society and provincial governments were placed on the commission. That they played no significant role in the production of the report is revealed by Wiehahn's description of the commission's division of labor:

There was an immense time pressure on us. The ANC wanted the report researched and written in one year. In the past, I had tried dividing up the chapter writing among the different members of the commission, but this was inefficient. So four of us, we formed the "think tank" that did most of the research, but then I wrote it all. I would send out drafts to the other people and they could make suggestions, but when the time came, that's it!⁹⁷

Next, Wiehahn publicly requested submissions from all interested parties. Excluding those from individuals, thirty-five were received from three main groups: non-profits who had been sanctioned to run gambling in apartheid South Africa; Sun International and related corporate interests; and the urban casinos. All three groups presumed that casinos would be legalized, and proposed different sets of industry rules to best advance black empowerment. *Non-profit incumbents* sought to maintain their monopoly by preserving the old frame: gambling is a necessary evil, best left in the hands of those who will protect consumers:

It has to be accepted that today only thirty percent of the population will contribute voluntarily towards a welfare project and that we cannot afford to disregard those who want something in return. This, however, means that provision must be made for prizes. . . This council would recommend as follows: That competitions for welfare be permitted, but that they be rigidly controlled by the government to prevent dishonesty and profiting by commercial concerns.⁹⁸

Such limited gambling will prevent the poor from being tempted to squander the little they have. *Corporate incumbents* also advocated a continuation of the old frame: casinos should be limited in number, confined to rural areas and cater to wealthy tourists. Such regulations would protect the urban poor, and create jobs in impoverished provinces, "where they are needed most."⁹⁹ The *urban casino challengers* proposed an entirely different frame: small urban casinos would achieve maximum penetration of consumer markets, thus maximizing revenues and jobs. And while Sun International had staffed its homeland casinos with ex-pats, urban entrepreneurs have used local labor: "An overriding factor to be taken into account is employment. Most of these [urban] gaming clubs employ predominantly South African citizens. . . Why are so few South African citizens, white and black, trained in [Sun] casinos?"¹⁰⁰

⁹⁷ Author Interviews with Nic Wiehahn, (July 23, 2001; May 23, 2002). The three Commission members mentioned in this quote who helped with the research were trusted junior colleagues whom Wiehahn had worked with in the past. My interviews with each of these three revealed that they had been hand-picked by Wiehahn, and deferred to him on major decisions on policy. They today recall little about the report itself, in sharp contrast to Wiehahn himself who keeps several copies on his desk which he happily autographs and hands out to visitors.

⁹⁸ S.A. Federation for Mental Health, representation to Wiehahn Commission (n.d.). For additional examples see submissions by S.A. Institute of Fundraising, Association of Racing Clubs of Southern Africa, Christian Reformed Church of Benoni, Community Chest of Durban.

⁹⁹ Sun International, "Structuring the Gaming Industry in the Public Interest," submission to the Wiehahn Commission.

¹⁰⁰ Pendant Casino Operators, South Africa, Submission to Wiehahn Commission (N.D.). See also submissions by Gaming Association of South Africa, Karos Hotels Ltd., Casino Club of Cape Town.

The final Wiehahn report adopted none of these proposals as policy. It granted property rights to large corporations such as Sun, but denied these firms' requests for a limited, monopolistic industry. How was this new policy justified? The Wiehahn report opens by stating that gambling policy must advance "social upliftment and economic development."¹⁰¹ But how can a casino field be structured to further both *justice* and *growth*? The report uses a cost-benefit analysis: we must identify casinos' effects upon society, maximize the positives and minimize the negatives. First, various negative *social effects* of gambling identified by incumbents in their submissions – such as neighborhood deterioration and exploitation of the indigent – are acknowledged. These myriad social effects, however, can be prevented by treating their root cause: a disease known as "pathological gambling." While "normal" gamblers play for fun and risk only what they can afford to lose, medical specialists have documented that a certain (though small, typically under 1 percent) portion of any population will suffer from a psychological abnormality in which they are driven by inner urges to gamble uncontrollably, leading to bankruptcy, loss of employment, crime, and alcoholism. And insofar as this is a psychiatric condition, specialist care and treatment are required. The solution is therefore "that the gambling industry establish an institute or clinic for the treatment and rehabilitation of pathological gamblers."¹⁰²

The report then discusses gambling's many positive *economic* effects. First, 100,000 new jobs will be created by labor-intensive casinos. Second, casinos stimulate other industries – both service and manufacturing – leading to economic growth generally. Third, a gambling industry will develop human capital as casinos hire and train workers and managers (especially previously disadvantaged individuals – PDI's).¹⁰³ All of these positive developmental effects of casinos, by implication, are to be maximized to the extent the industry itself is. (And because the medical apparatus for the treatment of pathological gambling is to be funded by gambling operators as a percentage of overall revenue, the mitigation of negative social effects is dependent as well upon maximizing industry size).

Regarding the governance structures to regulate the field, the report considers, first, the "supply side": the number and placement of casinos. Its philosophy is that, "market forces will be the major determining factor with regard to the allocation and distribution of casino...licenses."¹⁰⁴ The commission defined market forces as potential consumer demand, and used a formula of population size, average income, and expected per capita gambling expenditure to predict that the nation could sustain up to forty casinos. As for the placement of individual casinos, no attempts should be made to differentially allocate licenses to poor (i.e., rural) areas. Such a decision, insofar as it entailed placing casinos further from high

¹⁰¹ *The Complete Wiehahn Report on Gambling in South Africa* (hereafter WR), (Pretoria: State Press, 1996), 5.

¹⁰² WR (59–62). In adopting the rhetoric of pathological gambling the Wiehahn Report was introducing the concept, defined by the American Psychological Association in 1980, to South Africa for the first time. While this demonstrates the emergence of a new global discourse medicalizing social problems, it also shows how such global discourses can be appropriated and used by national elites for their own ends. Thus, in the United States, casino firms and pro-gambling politicians initially resisted the rhetoric of pathological gambling out of concern that it could be used by gamblers to achieve legal relief from their gambling debts. In South Africa, the discourse of pathological gambling was embraced by state and corporate elites because of its potential to individualize the social effects of mass-gambling. See Alan F. Collins, "The Pathological gambler and the government of gambling," *History of the Human Sciences* 9 (1996): 69–100; Brian Castellani, *Pathological gambling: The Making of a medical problem*, (Albany: SUNY Press, 2000).

¹⁰³ WR (63–64).

¹⁰⁴ WR (196).

concentrations of, on average, wealthier consumers in urban areas, would negatively affect industry performance:

The Board deliberated whether some “mild form” of “affirmative action” could be applied in the allocation of casino licenses per province. This would have the effect that. . .licenses be taken away from the “haves” and be given to the “have-nots” of provinces. . .However this, in the board’s opinion, is a political-economic consideration. The Board’s calculations are based on scientific and empirical research.¹⁰⁵

Second, what sort of restrictions should be placed upon “the demand side”? In general the state should “allow as little interference as possible with the gambler’s *freedom* to gamble;” the choice to wager is not only rational and voluntary – “no one is compelled to gamble” – but a basic right denied under apartheid, which citizens must surely desire.¹⁰⁶ Nor should the state interfere with operators’ ability to maximize demand. The best policy for the public is to allow the industry to police itself: “The Board strongly supports the notion of a self-designed, self-formulated, and self-imposed code of conduct, which the industry could develop with time.”¹⁰⁷

To this point, the report’s framing of the casino field parallels that of the urban casino challengers: empowerment means economic not social development; the bigger the industry the better; so let free-market governance structures rule. However, the commission vehemently recommends against granting licenses to the urban casinos. Despite the ambiguity surrounding their legal status during the waning years of apartheid, their actions demonstrated disrespect for the law that will sully the reputation of the state and so is not to be tolerated:

The illegal [sic] casinos presented, and still do so, a serious problem. . .for the government and most South Africans. These casinos started operating in South Africa approximately five to six years ago in flagrant violation of the law – a serious and dangerous phenomenon in any society. . .This can be construed as nothing else but a rape of the law. . .and a sure sign of the loss of freedom is the compassion which extends pity not to the raped but to the rapist.

These thousands of operators are disqualified from acquiring casino licenses.¹⁰⁸ Who then should own and operate casinos? Having ruled out the urban casino challengers, the only two remaining candidates were non-profits and large capital. While not adjudicating directly on the matter, the report, in laying out the criteria by which applicants for casino licenses should be judged, endorses the latter. First, a track record of “knowledge, skills and experience. . .in the casino industry”; second, sizable financial resources and a sound financial history; and third, minimal ties to the government.¹⁰⁹ All three criteria obviously favor large casino firms.

The final Wiehahn report conformed to none of the proposals offered by incumbents or challengers; it was an expression, rather, of state actors exerting their will. Even though large firms retained property rights over casinos in the region, Sun International’s request for a monopolistic, restricted industry were denied, demonstrating this was not simply a case

¹⁰⁵ WR (203).

¹⁰⁶ WR (68, 4).

¹⁰⁷ WR (3, 75).

¹⁰⁸ WR (95–97).

¹⁰⁹ WR (101–103).

of incumbent firms having their way.¹¹⁰ Nor, as did California's Tribes, could challenger firms here prevail: the Commission report as a policy domain did not allow them to convert their considerable economic and organizational resources into property rights. The preceding analysis of the process through which the Wiehahn report was commissioned and completed demonstrates as well that final policy outcomes were neither random nor the result of competing proposals canceling one another out. Clear networks of communication and feedback existed among Wiehahn, top officials in the Department of Justice and the Department of Trade and Industry, and the ANC executive. Though Wiehahn possessed autonomy to devise the proper means through which the new government's ends would be achieved, the ends themselves were specified well in advance, namely maximum tax revenue with minimal regulatory effort. So even though the development frame proffered by challengers linking a competitive industry to black empowerment – through maximum job creation – was adopted by the commission, and the urban casinos arguably could have best maximized revenues through maximum market penetration, they were nevertheless denied licenses. Thirty or forty large casinos, given the state's limited regulatory resources, represented an easier pool of operators to monitor to insure compliance with the state's taxation requirements than did thousands of small "illegal casinos."

Field dynamics as ongoing capital conversions

Bourdieu's field analysis of the modern state not only provides an optimal framework for theorizing the process of gambling policy formation, it also offers insight into the ongoing operation of the industry. In South Africa the Wiehahn Report was codified as the National Gambling Act (NGA). The NGA passed easily through Parliament in 1996, as provincial lawmakers viewed casino taxation as one of the few forms of independent revenue generation available to them. And while the initial projections of the Wiehahn Commission proved inflated (as of 2004 only 28 of the possible 40 casino licenses have been granted), South Africa's gambling market has proved quite large and stable, generating annual revenues of 6.23 billion rand and 580 million rand in provincial taxes as of 2002.¹¹¹ Meanwhile, the ANC, a party of black empowerment and socialist ideals, has unsurprisingly come under extensive criticism for its gambling policy. Journalists, politicians, and influential groups in civil society have publicly condemned casinos as an insidious form of regressive taxation that favors large corporations at the expense of consumers and small business.¹¹² Insofar as such critiques were foreseen by party elites, the 1996 NGA represents an expenditure of surplus political/symbolic capital (i.e., bad press and fodder for competing political parties), exchanged for economic capital (taxes culled from corporate casinos).

It is thus that we can see too the ongoing relevance of the commission report for the functioning of the field. It not only produces a blueprint to maximize tax revenues, but

¹¹⁰ An executive manager with Sun explained to me the firm's opinion of the new gambling dispensation: "I'll put it to you this way, Wiehahn's a bastard, a lackey of the ANC. His calculations were horrible, the result of politics."

¹¹¹ Statistics on industry and state revenues can be found in the South African National Gambling Board's Annual Reports, available online at: www.ngb.org.za.

¹¹² See for example National Health Minister Skweyiya's statements in *Business Report*, Claire Keeton, "SA starts to count the cost of get-rich-quick epidemic," April 17, 2001; *Financial Mail* "How the lottery pillages the poor for the lucky," October 4, 2002; Congress of South African Trade Unions, "Gambling and the Lottery;" Central council public resolution, December 7, 2001.

also preempts attacks upon the industry's legitimacy: the requesting of submissions from all sectors of society produces an appearance of democratic processes of accommodating all interests, while its technocratic, objective tone produces an appearance of rational means-end reasoning behind policy decisions ("The Board's calculations are based on scientific and empirical research"). These characteristics of the setting are even more important given the audience for the report: not, as in California, the public, but elites in the state and civil society. Especially for sympathetic elites within the field (e.g., regulators, heads of firms), the report offers a set of stock explanations as they continually labor to minimize damage to the industry's (and thus the party's) standing in their dealings with critics and the press (the rhetorical figure of the pathological gambler deflects accusations that gambling has negative social consequences; the number of jobs created are routinely cited as evidence of the industry's positive developmental impacts).

In California, Tribes shaped casino policy only by first converting economic capital (gained during a decade of "illegal gambling") into symbolic capital (Prop 5's framing of gaming as a tool for getting Tribes off welfare, thus benefiting all of society). This symbolic capital is subsequently reconverted into economic capital through ownership and operation of a monopoly on casino gambling in the state. This conversion process did not end with the passage of the Tribal Gaming initiative, however. Although the industry has been lucrative, generating annual revenues in the range of \$5 to 7 billion, it is also precarious. For, while the compact cannot be revoked, should other groups be granted permission to operate casinos in urban areas, Tribes would lose their competitive advantage. Part of Tribes' ongoing strategy as field actors is thus the continual reinvestment of casino profits for "PR" purposes, especially TV advertisements. These ads echo those of the Prop 5 campaign: limited, rural Tribal gaming advances the well-being of the *entire state*, especially through reducing welfare rolls. Like in South Africa, the exchange of economic and symbolic capitals here occurs not just at the moment of policy production but as part of the ongoing equilibrium of the industrial field.

Conclusion

Just as Bourdieu's field analysis can advance prevailing perspectives on economic policy formation, so too can it be extended through integration with key insights from institutional and dramaturgical theories. Gambling policy creation *is* a capital conversion project, as state actors seek to balance economic and symbolic capitals and outside parties try to convert economic and organizational resources into the highly symbolic form of political capital. Such conversions, however, take place within a specific policy domain whose structure: (A) is a product of political history (i.e., it is an institution), and (B) offers policy protagonists particular audiences and symbol-production tools (i.e., it has dramaturgical characteristics). Policy domains can thus be viewed as dramaturgical prisms, mediating between capital conversion projects within the larger field and concrete regulatory outcomes. Table 4 summarizes the different dramaturgical properties of the institutionalized policy domains of South Africa and California.

This extension of Bourdieu's field theory was facilitated by a comparative research design. To illustrate the utility of a comparative design, I conduct a brief thought experiment: suppose we were to switch the two policy domains. If gambling law in the United States had been set by a federal commission, it is doubtful that the Tribal casino industry in California would look like it does today. In fact, in 1999 there did convene a federal commission on US gambling policy, like the Wiehahn Commission composed of "independent" commissioners

Table 4 Dramatic settings, galleries in two policy domains

	Policy domain	Dramatic setting	Audience
South Africa	Commission of inquiry (The Wiehahn report)	–Sole authorship. –Objective, technocratic tone.	–Elites (both hostile and sympathetic). –Not the public.
California	Public referendum (Prop 5 media campaign)	–Internal coherence (though multiple inaccuracies). –Messages conveyed through images, sound bytes. –Competing positions, waves of framings and counter-framings.	–The average, middle–class voter. –Constantly monitored through polling, focus groups.

who requested proposals from all interested parties.¹¹³ Tribes proffered a series of submissions arguing, along the lines of their Prop 5 advertisements, that Indian casinos benefited all of the United States by promoting self-sufficiency. Tribes' symbolic maneuvers were unsuccessful, as the commission recommended not an expansion of Tribal gaming but a "freezing" of new casino construction across the United States. Such recommendations were of course irrelevant, for in contrast to South Africa commissions are rarely a true policy domain in the United States.¹¹⁴

The opposing hypothetical is that of a public election over gambling policy in the new South Africa. Here too it is unlikely that the outcome would have been the same as, given public sentiment at the time, it is doubtful ANC leaders would have been able to convince voters that a mass corporate casino industry was in the country's best interest. Non-profit organizations could have drawn upon their ties to civil society to mobilize key endorsements and thus stake a claim to property rights. The urban entrepreneurs and Sun International, meanwhile, like California's Tribes and Nevada's casino firms, could have invested large sums of capital into slick PR campaigns to convince voters that they could best run casinos so as to fulfill valued social goals of economic growth and development. Though it is unclear who would have won such a multi-sided framing contest, it is indisputable that the urban entrepreneurs would not have been as shut out of the policy-making process as they were in the context of the Commission report. The larger point is simply that a different policy arena would have resulted in a different set of industry rules insofar as it would have privileged certain actor's tactics for accumulating and deploying symbolic capital.

What are the implications of these findings for doing international-comparative and policy studies from a Bourdieuan perspective? This study contributes to a small but growing set of empirical works applying Bourdieu's categories of analysis to cross-national case studies, all of which share the assumption that "cross-national research. . . offers an especially powerful means to elaborate and stretch field theory."¹¹⁵ Prior projects, however, have primarily sought to classify and compare countries based upon the dominant form of capital within their fields of power. Eyal, Szelenyi and Townsend, for example, contrast emergent capitalism in

¹¹³ *National Gambling Impact Study Commission Report* (Washington, DC, 1999).

¹¹⁴ See for example the symposium on the 9/11 Commission Report in *Contemporary Sociology* 34/2 (2004).

¹¹⁵ Rodney Benson, "Mapping Field Variation: Journalism in France and the United States, 85–112 in *Bourdieu and the Journalistic Field*, (Malden, MA: Polity Press, 2005), 86.

Eastern Europe with American and Japanese varieties based upon the centrality of cultural, economic, and social capital, respectively; Lamont looks at the ways in which American and French men develop symbolic boundaries by valorizing moral versus cultural capital; Benson, meanwhile, compares the journalistic fields in the United States and France, finding the former to be dominated by commercial and informational capital and the latter by political and literary capital.¹¹⁶

This project suggests a different approach to cross-national research: comparing institutionalized capital-conversion projects. Unlike prior studies that compared synchronically hierarchies of capital-value across countries, I instead compared two societies diachronically in order to see how various forms of capital are accumulated, conserved, and exchanged over time.¹¹⁷ This dynamic rather than static view of fields entails a novel metaphor to capture ongoing field dynamics. Contrary to the comparison of social fields and their inhabitants to magnetic fields full of differentially charged particles, I instead suggest that fields can be seen as in “equilibrium” as this term is used in stable-state chemistry: to denote a system not at rest, but one whose apparent stability masks constant motion and transformation of its constitutive elements. Unlike the classic case of a glass of water whose volume remains constant despite continual evaporation and condensation of water molecules on its surface, here equilibrium was maintained through the various exchanges and transformations of symbolic and economic capital facilitated by the property rights and rules of exchange regulating the field.

Comparative studies of capital conversion projects advance our understanding of key topics in sociology such as: the interplay of symbolic and material resources within the realm of politics, state responses to the fiscal crises associated with globalization, and how political institutions – via their elaboration of dramatic settings and audiences – facilitate unexpected policy outcomes (such as mass corporate casinos in post-apartheid South Africa and non-profit “ethnic” casinos in neo-liberal California). Though gambling policy offered an excellent opportunity to apply the comparative-capital-conversion approach, similar processes should be observable in less symbolically-loaded policy domains. The method for seeing them, as outlined herein, consists of four steps. First, we establish as an initial premise that to influence policy is to deploy political capital, itself a form of symbolic capital. Second, we map the “players” in the field. This entails identifying the various actors (both individual and collective) mobilized to influence policy; elucidating their interests in particular policy outcomes; and specifying the various resources (such as economic or social capital) they bring into the specific policy domain. Third, we perform an independent analysis of the policy domain itself, viewing it as a “dramaturgical prism” facilitating certain but not other attempts to accumulate symbolic capital (i.e., recognition as a non-self-interested actor). Finally, we examine the resultant industry or field itself, to determine if and how the capital conversion projects performed at the moment of policy formation are subsequently reenacted during the everyday functioning of the field. Recognizing the dramaturgical properties of particular policy domains, in sum, permits us to see field and institutional perspectives as complimentary, not contradictory, modes of analysis.

¹¹⁶ Gil Eyal, Ivan Szelenyi and Eleanor R. Townsley, *Making Capitalism without capitalists: Class formation and elite struggles in post-communist Central Europe*, (New York: Verso, 1998); Michele Lamont, *Money, morals and manners: The Culture of the French and American upper-middle class*, (Chicago: University of Chicago Press, 1992); Benson, *Bourdieu and the Journalistic Field*.

¹¹⁷ Eyal et al. do examine how individuals shuffled their portfolios of various capitals during and following the fall of Communism in Eastern Europe. Such conversions, however, occurred at the individual-level and during times of social upheaval; we instead document capital conversion at the institutional level and during “normal times.”

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