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Informal Appropriations in the Face of the State of Exception. Ethnographic Snapshots of the Right to the City¹

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ABSTRACT

Composed as a mosaic, the present article brings together a series of urban snapshots, by way of ethnographic polaroids, which proceed from three studies conducted with informal workers in Mexico and Spain. The characters and instances disseminated throughout the text account for the urban “state of exception”, especially experienced by sectors of the population that have suffered not only forms of exploitation but also of expropriation. Those who were previously known as lumpenproletariat refuse to leave the city. While they continue to use the street as a means of subsistence, they are pointed at as the usual suspects when the public order is defied. The literature on urban studies tends to define the publicity of the urban space as a category that results from the public ownership of the street, through which this becomes subject to the rule of law. Therefore, the present study offers a critical counterpoint to this dominant idea, rather showing the role played by liberal democracies in promoting and maintaining exclusive policies of privatisation, commercialisation, and control of the so-called “public space”. Within this analysis, informality is presented as a political response to the inability of the State to guarantee the right to the city, while for the urban dispossessed, it represents a strategy to realise, *de facto*, this same right.

KEY WORDS

Public space, right to the city, urban informality, state of exception, social conflict

APROPIACIONES INFORMALES FRENTE AL ESTADO DE EXCEPCIÓN. INSTANTÁNEAS ETNOGRÁFICAS DEL DERECHO A LA CIUDAD

RESUMEN

El presente texto, construido a manera de mosaico, se conforma de breves instantáneas urbanas, *polaroids etnográficas*, extraídas de tres investigaciones realizadas con trabajadores informales en México y España. Los personajes y situaciones aparecidos a lo largo del texto dan cuenta del «estado de excepción» urbano, padecido especialmente por aquellos sectores de la población que más que explotados han sido expropiados. Los que anteriormente eran conocidos como *lumpen proletariado* se resisten a dejar la ciudad; siguen haciendo uso de la calle como medio de subsistencia y son los sospechosos habituales de desafiar el orden público. En la literatura sobre estudios urbanos se ha entendido que la publicidad del espacio urbano se garantizaría con la titularidad pública de la calle sometida a un estado de derecho. Este trabajo se constituye como una crítica a esta idea dominante, intentando mostrar el papel de las democracias liberales en el impulso y mantenimiento de políticas excluyentes de privatización, mercantilización y control del llamado «espacio público». En este sentido, la informalidad es una contestación de tipo político ante la incapacidad del Estado para garantizar el derecho a la ciudad y constituye una de las tácticas de los desposeídos urbanos para realizar *de facto* ese mismo derecho.

PALABRAS CLAVE

Espacio público, derecho a la ciudad, informalidad urbana, estado de excepción, conflicto social.

1. I would like to thank Mariella Franzoni for the translation of this article.

To Manuel Delgado, for teaching us that
the urban is a “witches’ stove”.

Introduction

Since its inception, the concept of informality has been employed to analyse the relationship between certain productive activities carried out in urban public spaces and their lack of circumscription to State control. As an analytical category, informality was born within the discipline of Anthropology, as it was first formulated by anthropologist Keith Hart (1973), in the framework of his studies of the urban economy in Ghana. However, despite these anthropological origins, geographically situated in Africa, Latin American sociology has long been at the center of the intellectual production around what was known as “the informal sector”. In particular, three main schools of thought can be identified: the “structuralist”, the “legalistic”, and another school sustained by several researchers linked, in one way or another, to the International Labor Organisation (ILO) and PREALC² (Rakowski, 1994). The structuralist school is theoretically defined by its Marxist approach to urban sociology, being Alejandro Portes one of its main representatives. His study on the informal economy titled *The Informal Economy: Studies in Advanced and Less Developed Countries*, and written together with Manuel Castells and Louis Benton (Portes, Castells and Benton, 1989), has been particularly influential in this line of research.

For the structuralist-Marxist school, the informal sector is a category that comprises “all non-formally regulated, income-generating activities that take place in an environment where similar activities are regulated” (Portes, 1995). One of the key contributions of the Latin American structuralist school has been offering a shift away from Hart’s approach, while also analysing the informal economy as a sector that operates not necessarily in contrast with the conventional or formal economy. Such a perspective is in contrast with the institutional approach of ILO-PREALC. This, in fact, classifies informality as an economy sector unrelated to the modern-capitalist production system, and sees informal workers as agents that maintain no “labor” relationship with the formal sector businesses (Klein and Tokman, 1988). Being the most influential in this academic

2. The International Labor Organization (ILO) is an agency of the United Nations dedicated to set standards and develop policies in the field of international labour industrial relations. As a branch of the ILO for Latin America, the “Regional Employment Program for Latin America and the Caribbean” (PREALC) concentrates most of its efforts on solving the informal economy issue in the region.

area of study for many years, structuralist scholars have drawn attention toward the fact that informality is not at the margins, but rather at the center of the economic processes, highlighting its relationship with political and economic institutions. In particular, they point out that the State does not always maintain relations of opposition toward informal activities or, at least, it keeps an ambiguous approach toward informality. In specific instances, especially in the Latin American context, the informal sector is an “ally” of the State or it maintains a functional relationship “for the economic and political institutions that it supposedly undermines” (Portes and Haller, 2010: 403).

Besides the structuralist school, another very important school from Latin America has emerged around the Peruvian economist Hernando De Soto, a popular figure often at the center of the media attention, and other liberal-bent, micro-business theorists. Their influence has increased especially after the creation of the Instituto Libertad y Democracia — Freedom and Democracy institute — (ILD), considered one of the most important ultra-liberal think tanks in the world. Seen as a product of heroic and isolated entrepreneurs, informal work and informality are approached by De Soto and his followers as a form of capitalism “from below”, that is, a popular form of capitalism that happens outside of the State’s influence.

Thus, for the liberal school, informality represents an authentic rebellion of the “living forces” of the market, which are usually subdued by the fist of the tyrannical states (De Soto, 1989). This notion is radically in contrast with the idea, held by the structuralists, that informality is “a survival mechanism in response to insufficient modern job creation” (Portes and Haller, 2010: 10). However, we find that this formal/informal dualistic vision does not only belong to the ideological right. Amongst leftist and, somehow postmodern, perspectives, like the one maintained by Verónica Gagó, we find curious cases of an authentic mirroring dialogue with De Soto, from the opposite sides of the barricade.

In this sense, by stating that informal economy is a form of “neoliberalism from below”, Gagó meets the argument of De Soto. The only difference between the two perspectives lays in the fact that, for De Soto, this popular form of capitalism should be praised and admired; while Gagó would blame informal workers to undermine the work of unions and other social institutions historically dedicated to alleviate inequalities in countries provided with a social democrat welfare system (Gagó, 2015: 25). Therefore, the two positions are the byproducts of a widespread fallacy: the idea that Capitalism advances when the State falls back. David Harvey labels this as a “ridiculous idea” oblivious to the evidence that

“the Nation-State is now more than ever devoted to creating a favorable business climate for investment” (2000: 26).

As demonstrated by Karl Polanyi in “The Great Transformation” (1944), it was not the liberation of an allegedly natural disposition to the market that laid the foundations for the capitalist boom — a disposition that was, in fact, non-existent. On the contrary, it took the emergence of a State, with its military coercive power and police brutality, to succeed in destroying long-established traditional — in many cases, thousand-year-old — institutions, that used to protect society against mercantilism.

Today, without a State that performs “watchdog” functions to protect private interests, there would be not an economic environment that “fosters competitiveness”, to borrow an expression from the business sector. In order to achieve these favorable conditions for business and free competition, the rules must be clear and, hence, allow systematic investment planning. Therefore, the idea of informality as a Capitalism form “from below”, is highly questionable, both theoretically and politically, since it reproduces the false dualism between formal/informal that justifies arguments like the one offered by De Soto: the idea of the informal worker as a capitalist “hero”. From the very outset, it seems highly sensible to acknowledge that there is nothing sweet about informality and that it is rather a hyper-complex reality.

In this way, the present work aims at distancing itself from the dualistic positions that oppose formal and informal, without, however, completely casting aside these terms, which are useful for the communicative function they perform. At the same time, this work does not embrace the structuralist positions toward the “informal sector”, neither. Its intention is, rather, to seeking an urban perspective to informal work, which is why we propose to move away from the work-centric approach of the structuralist school, while we put the “spatial” hypothesis back in the center. We believe that overlooking the spatial question when addressing urban informality would be completely counterintuitive. And yet, for a long time, this has been the common approach amongst academics, especially amongst those who have embraced the structuralist school. Perhaps, this resulted from the overrated importance given to the book *The Urban Question* (1972) by the sociologist Manuel Castells, a work that, from the myopia of the most orthodox Marxism, even states that space has no value besides being a product of “social forces” (AlSayyad, 2004: 26).

Manuel Castells’ harsh criticism of the spatial interpretations of the urban (1972: 142-145), was probably a reaction to the Urban Sociology of the Chicago School and its “human ecology” theory of the urban, which have led to homeostatic — rather than conflictive — interpretations, like

the one of Ezra Park, Burgess and Mackenzie (1925). Castells would correctly criticize the Chicago School for neglecting “the structural laws of production”, but in the making of this criticism he would fall into the other extreme: displaying a typically economic prejudice, by asserting that the “urban way of life” or “urban culture” are nothing but ideological formulations (1972: 107).

Castells’ anti-spatial and work-centric conception of the urban is crucial to understand the hegemony, in Sociology, of a work-focused understanding of informality — an approach that is completely oblivious to the question of the space, let alone the public space — (among an endless list, see Annis and Franks, 1989; Bromley, 1978; De la Garza, 2011; De Soto, 1989; Martínez, 2009; Moser, 1978; Pérez Sáinz, 1991 or Portes, Castells and Benton, 1989). As a counterpoint to the mechanicism of Marxian structuralism, in his *The Production of Space* Henri Lefebvre, from a non-orthodox Marxist approach, argues that “there are no social relations without space, just as there is no space without social relations” (1974: 14). Shortly before, in *The Urban Revolution*, Lefebvre rewrites the Marxist modes of production as “modes of thought, of action, of life” (1972: 47). For him, “the urban mode” is not reducible to the industrial production mode, despite the fact that urban society itself “arises from industrialization” (1972: 01). To paraphrase Lefebvre, one could say that informality as an urban mode of thought, action, and life is a perspective that has been mostly suppressed in the analysis of the “informal sector”.

By following the pathway opened by Lefebvre, in my work I seek to approach informality as a means of production of the urban, instead of as a means of production *tout court*. Inspired by the concept of “bricolage” introduced by Lévi-Strauss (1964), I analyse informal workers as the “bricoleurs” implicated in the production of the urban, in a similar fashion as Solomon Benjamin’s analysis of the role of the subaltern in the construction of the city, a process understood as a “transformative urbanism” (2008: 18). Such bricolage, which Claude Lévi-Strauss has described as an “associative science of the concrete”, using traditional herbalists as an example, is not an outcome of abstract fundamental principles, but it rather results from thinking and engaging with specific work materials. Just like for the traditional herbalists, also for the street vendors — known as *manteros*, *tiangueros* or junkyards — the bricolage happens according to a similar process.

The urban bricoleurs act by analogy, they find solutions as different problems come into their way, while they bring in or discard everyday objects, as well as materialities and infrastructures that are familiar to them. These are pragmatic games, as opposed to procedures that originate

from a theory or a manual. Unlike the processes of the academic knowledge, these games materialise as know-how based on a type of knowledge that is orally socialised *via* rumours, informal talks, as well as trial and error practices, in addition to a desire to transgress the rules of the “correct use” of space.

Unlike the urban planner, the informal worker, establishes a dialogue with the materials at hand, rather than a monologic project:

Consider him at work and excited by his project. His first practical step is retrospective. He has to turn back an already existent set made up of tools and materials, to consider or reconsider what it contains and, finally and above all, to engage in a sort of dialogue with it and, before choosing between them, to index the possible answers which the whole set can offer to his problem (Lévi-Strauss, 1962: 18).

The present article brings together examples from my own research, especially taken from three participant observation field works, with three groups of informal street workers, in two different countries. The three ethnographic accounts are articulated from a “multi-sited” perspective (Marcus, 1995). Therefore, particular attention is paid to relationships established in different settings, bringing to light the link between them, while exploiting “the heuristic potential of ethnographic interpretation for reconstructing unexpected connections between distant cultural realities” (Cruces, 2003).

The first ethnographic observation took place in Guadalajara, Mexico as a results from my fieldwork in *los tianguis*, the street markets that nourish urban life in most Mexican towns and cities. From 2008 to 2013, I conducted an ethnographic research in seven street markets in the Guadalajara Metropolitan Area (ZMG), as part of my doctoral thesis (Espinosa, 2013). I engaged with Through an *observation flottante*, or floating observation (Péttonet, 1982: 39)³, field recordings, *dérives*, and interviews with street workers or *tiangueros* and users of *tianguis*.

The second example is a case study based in Barcelona (2015) of a *chatarrero* (Spanish for scrap dealer) from Senegal. Ahmed’s case is taken from my participant observation experience in La Nave, a sort of *okupa* (Spanish for squatter) made up of a group of self-built houses in the Glorias area of the Poble Nou neighborhood in Barcelona. More than a

3. The “non-obstructive observation” (Delgado, 1999), also known as “floating observation” (Péttonet, 1982), implies to remaining completely ready and attentive to the circumstances, in order to detect the implicit rules of social order in the public space. The recording of the practices observed during the fieldwork is made in real-time in the form of a description, and it is later incorporated into the research.

squatter in the traditional sense of the word, this was a camp located in the old parking lot of “Los Encantes”, the city’s longest-lasting second-hand market. In that vacant lot, about a hundred African *chatarreros* used to live in self-built houses made of waste materials. On March 11, 2015, the temporary shantytown would be razed to the ground by bulldozers. Such destruction was ordered by Mayor Xavier Trias, who came to power through the *Convergència i Unió* (CiU), a political alliance between Catalan conservative and nationalist parties (today partly incorporated into the *Junts per Catalunya* coalition). It was during the eviction that I met Ahmed, who, after the demolition of La Nave, is forced to wander through different spaces. With him, I recall carrying out a roaming ethnography throughout 2015, following his footsteps while collecting scrap metal.

The third case comes from the ethnographic research I conducted in Barcelona (2015-2017) with a group of *manteros* (expression indicating the street vendors that carry out their activities in the streets of Barcelona) from Senegal, many of them organised around the *Sindicato Popular de Vendedores Ambulantes de Barcelona* (Popular Union of Street Vendors of Barcelona). The organisation was founded on Friday, October 2, 2015 at the Santa Mónica art center, with 80 *manteros* participating in the event.⁴ Thanks to this contact, I had the chance to conduct in-depth interviews with three *manteros*. Moreover, I started keeping a field diary to describe a large number of situations, conversations, and impressions. For the present text, I extracted some observations from my fieldwork diary about the complex and skillful tactics used by the *manteros* to avoid the police while trying to set in along the *Rambla* in Barcelona, in a sort of choreography of the fight for the public space, which they named *El Juego* (“The game”).

By using these case studies as an example, I seek to demonstrate: 1) that a “state of exception” is predominant in contemporary cities (Agamben, 2003; Roy, 2005; Schmitt, 1922 and 1931), which limits the free use of the street to a specific sector of the population, 2) that the public ownership of the public space does not guarantee the defense of the full and free right of use of the street, 3) that urban informality is itself a political response to the incapacity of the State to assert “the right to the city” (Lefebvre, 1968), and that, at the same time, it is the way in which these actors can fulfil this same right by their own means, 4) that for dispossessed, urban informality, as a political phenomenon, serves as a mechanism of irruption, pressure, and negotiation with the state officials in

4. Jesus Rodríguez. “Constituido en Barcelona el primer Sindicato Popular de Vendedores Ambulantes”. *Periódico Diagonal*. October 6, 2015.

charge of the public order — a negotiation that is not always carried out through official channels.

Urban informality as a State of Exception

The notorious professor Ananya Roy, known for being one of the academics who most have delved into the concept of “urban informality” (2005) surprisingly came up with a heterodox work that takes the concept of “state of exception” (Agamben, 2003), typical of philosophy, to the field of human geography and urban planning. In this work, she questioned the binarism that divides the paths of “the formal” and “the informal”, as two apparently opposite spheres. Following Agamben, Roy understands that the sovereignty ascribed to States does not come so much from their power to enforce the Rule of Law; it rather comes from their ability to avoid its enforcement, by means of the state of exception. In this way, urban informality would result from the discretion with which the State applies its own law, and therefore, should be understood as a phenomenon “produced by the State itself” (Roy, 2015: 148). By applying this concept to the urban informality, we could conclude that, on one hand, the State makes informality possible, while, on the other hand, it sanctions it. By doing this, the State creates a space that we could define, borrowing Michel Foucault’s expression, “heterotopias” (1984). Thus, informality would be located outside the legal order, while simultaneously belonging to it: “The planning and legal apparatus of the state has the power to determine when to enact this suspension, to determine what is informal and what is not, and to determine which forms of informality will thrive and which will disappear” (Roy, 2005: 149).

Roy’s suggestive hypothesis on urban informality as a state of exception might open up a promising path for its application on specific case studies, although not from an urbanistic approach like the one she employs, but rather from an anthropological one. Nevertheless, her postulation, although interesting, looks incomplete to me. To begin with, her analytical review of the very concept of state of exception is based only on the definition offered by Giorgio Agamben, without making any reference to the work of Carl Schmitt (1922 and 1931). This, in my opinion, offers a much sharper analysis of the political consequences of the state of exception adopted by states defined as “democratic”.

For Agamben, subjects are included in civil law through a process of citizenization (subjects of law) that paradoxically excludes them as naked

lives (*bare life*). In other words, the *bare life* of the subject becomes a category of political power that can be “claimed” by the State as part of its jurisdiction. With the binomial citizenization *plus* state of exception, the administration increases its power for the constitution of a “first-order biopolitical device” (Costa and Costa, 2004: 07). The state of exception would transcend its status as an exceptional government technique to become the constitutive paradigm of a legal order, whose core is essentially extra-legal (Agamben, 2003: 30-32).

Thus, within the frame of that strange *ouroboros* that is the state of exception, modern states can suspend the legal conditions of democracy with the aim of “saving democracy itself”. In this sense, they contain in their DNA the germ of totalitarianism (Schmitt, 1931). Re-reading Carl Schmitt, Agamben concludes that “a protected democracy” automatically ceases to be a democracy (2003: 46-47), making way for the emergence of an *oxymoron* that could bear the name of democratic totalitarianism, since, as Rossiter succinctly puts it: “no sacrifice is too great for our democracy, least of all the temporary sacrifice of democracy itself” (1948: 314).

If we had to take Carl Schmitt for a walk through the streets of our cities, a fundamental question would be posed: if a “protected democracy” ceases to be a democracy, would a “protected” public space also cease to be a “public” space? That seems to be the case. In fact, the very notion of public space is constituted in a paradoxical way, since the public space is defined as “all areas that are open and accessible to all members of the public in a society, in principle though not necessarily in practice” (Neal, 2010: 1). Thus, the publicity of the public space is put into question by the state of exception, a condition that hangs over it, like the sword of Damocles. Following Manuel Delgado (2011), public space is revealed to us as little more than an ideological *topos*, whose existence is only guaranteed in the catalog of the utopias of modernity. This impossibility of the public space made evident by the persecution of street vendors and *chattarreros* by the hand of different administrations, through a series of civic ordinances that regulate the behaviour of people on the street.

In the case of Barcelona, we make reference to the ordinance for civility and coexistence approved in 2006 during the mandate of Joan Clos, in the period known as “the Catalan tripartite” (2003-2006) and voted in the plenary session of the city council by the parties PSC (center left), Esquerra Republicana (catalan nationalist center left) and Convergència i Unió (catalan nationalist right). In 2007, the ordinance would remain without substantial modifications in a second version called “Ordinance of measures to promote and guarantee citizen coexistence” during the

mandate of Xavier Trias. Later, in 2015, under mandate Ada Colau's *Barcelona en Comú* (leftist citizen political platform), who in her campaign had promised its repeal, the ordinance would be nevertheless maintained with a new name: "Ordinance of citizen uses of public space", drafted in 2017. Such ordinance consists of a municipal regulation aimed at safeguarding "circulation", "tranquility", as well as "traffic" and "accessibility". In the eighth chapter of the ordinance, it is stated that street vending is absolutely prohibited and along the same lines, it also penalises "collaborating" with the *manteros*. Fines of up to 500 euros are contemplated just for accompanying street workers or even for notifying them of the presence of the police (Ajuntament de Barcelona, 2005/2018).

In my other research scenario, the Mexican city of Guadalajara, the City Council generated an approach to urban interventions identical to that of Barcelona. In 2015, with the approval of the new "Urban Image" regulation, the presence of street vendors in the historic center of the city was definitively banned.⁵ This action was accompanied by a process of conquest-and-defense of the territories that were progressively wrested from informal trade — a process that involved the population, too. With the new administration, a neighbourhood organisation body is established in the *Colonia Americana* ("American neighbourhood", adjacent to the city center and the main neighbourhood from which gentrification is spread) called "Social Council of Citizen Participation of the *Colonia Americana*". In the first meeting of such council it is reported that the *Colonia Americana* has new limits and now it would be delimited by the avenues Federalismo, Niños Héroes, Chapultepec and Juan Manuel. In other words, the *hipsterised Colonia Americana* administratively "swallowed" the traditional downtown. The other key move of the council was to openly speak out against street vending, while also generating mechanisms of persecution that involved the citizens:

The council showed in its Power Point presentation the phrase "we do not want street vendors or piracy" and invited all residents to join forces and report all street vendors [...]. The proposal implies joining the network of persecution and criminalisation of the Guadalajara city council, perpetuated against the people who make a living by selling fruit, *tacos*, chopped vegetables, sweets, among other products [...]. To this end, they plan to appoint a volunteer block supervisor (there are no election processes since, like in the council, such a role can be taken by any willing member) whose duty is walking down their street to report any anomaly. Street vendors, for example.⁶

5. See *El Informador* of November 26 and December 18, 2015.

6. Alejandra Guillén (2016).

By suspending or authorising informality at its own discretion — through the suspension of the norm from the norm itself — the State shows us “the absolute purity of a specific formal legal element: the decision” (Schmitt, 1922 :28). Therefore, “the state of exception is an anomic space in which a lawless force-of-law is brought into play (which should be, therefore, written as force-of-law)” (Agamben, 2003: 80-81). The concept of force-of-law allows us to see the arbitrary nature of the application of legal norms. Especially, in the specific case that concerns this work, it allows us to see the arbitrariness in the application of civic ordinances, as much as they limit the freedom of certain groups due to their way of earning a living. Thus, certain municipal ordinances are raised above constitutional rights and, therefore, turned into an instrument of the state of exception in the urban context.

However, what if, unlikely what Roy thinks, there were different, competing levels of states of exception in the urban context, or even different states of exception? On the one hand, we would find the state of exception established from the heart of the law, which denies specific rights in the name of the safeguard of a certain definition of democracy; on the other, there would be a state of exception of the dominated ones, those who hide, disobey or even take back the rights that were denied to them. In this second case, we find the Marxist tradition of the state of exception epitomised by Walter Benjamin: “The tradition of the oppressed teaches us that the ‘state of exception’ in which we live is not the exception but the rule. We must attain to a concept of history that is keeping with this insight. Then we shall clearly realise that it is our task to bring about a real state of exception” (Benjamin, 1942: 43).

The case studies presented in this work show that, both in Guadalajara and Barcelona, the state of exception hangs above “the informals”, as suggested by Ananya Roy. However, identifying the focus of the state of exception in the government’s occasional permissiveness toward informality, as Roy does, would be misleading. Rather, the state of exception lays its foundation in the “exceptional” suspension of the rights of large sectors of the population, an act justified by a liberal, misled understanding of the so-called “right to the city”. In other words, what could be considered a mere technical matter (the unclogging of a street occupied by vendors, for instance) becomes a political-ideological debate (the “safeguarding of democracy” through the protection of public space)⁷. This is

7. In the editorial of an important newspaper from Barcelona, the persecution of the *manteros* in the city was justified by describing the public space as “the greatest conquest of democracy”, while the Greek classics were quoted to justify the urge to “protect the city” from these “destructive forces”. Likewise, the author implied that those who violate the

the contingency in which the state of exception is constituted for the first time, becoming, on the other hand, the target against which the informals deploy all their strategies. Returning to Walter Benjamin, two antagonist states of exception emerge at this point: the one deployed by the State, in the moment in which it suspends the rights of certain citizens, and the state of exception performed by the dispossessed, who, in turn, through the employment of strategies like disobedience, swindling or stealth, suspends these exceptional norms that prevent them benefitting from the certain urban rights.

The street as *ambiguous* property

The philosopher Slavoj Žižek points to the fact that, in today's capitalist societies, the concept of exploitation should be reformulated, in order to include, alongside the workers and the reserve army of labour, what Bauman (2005) defines the new class of "the superfluous". This expression defines the chronically unemployed population whose workforce has no longer value, that is, people that were "formerly employed but are now unemployable". The category of superfluous should, however, also include "illegally employed people, from those working in the underground economy and in the slums, as well as those who are subjected to different forms of slavery" (Žižek, 2013: 246).

Žižek proposes a dialectical turn, in which exploitation includes its opposite. The exploited would not only be the workers, but also those doomed to remain without a job, those who are expropriated of their workforce. For Žižek, the exploited and the unemployed of the 21st century are the product of the Capital, and they are both necessary to the reproduction of capitalist accumulation (2013: 248). The emphasis put by the Slovenian author on the notion of exploitation has a critical correlation with what he names the "different versions of the postmodern «micro-politics of power»". Thus, for Žižek, the centrality of the idea of "domination" in theories such as Agamben's state of exception, should be complementary to a concept of exploitation, since "without this reference to the economy, the fight against domination is reduced to «an essentially moral or ethical struggle, which leads to sporadic revolts and acts of re-

regulations on public space also threaten the foundation of a "democratic state". Therefore, since the *manteros* make a "non-normative" use of the street, they should be considered a threat to democracy, just like terrorists in public space. At the same time, in this same editorial, the mayor of Barcelona Ada Colau, was blamed for making of the Municipal Urban Guard an "NGO" pledged to protect not public space, but the *manteros*. See *La Vanguardia*, May 25, 2015, p. 2.

sistence, rather than to the transformation of the mode of production as such»” (2013: 249).

Overlooking such analysis means to ignore that under capitalism there is no “need for direct social domination” since “domination is already in the structure of the production process” (2013: 250). The indirect “non-violent” brutality embedded in the process of capitalist production, is due not only to the compulsory nature of work but, above all, to the primacy that property rights have over the right to subsistence. Similarly, in an early text by Marx, he took the side of the firewood thieves against the inclusion of minor forestry infractions into the crime of “theft”, which was part of the profound constitutional reforms put in place by the Rhenish Assembly in a process of modernization of Western constitutions. The reforms were an outcome of Enlightenment ideas as well as of the transformative impulse of the French Revolution (Marx, 1842: 12). In the Rhenish case, it was a matter of reforming the constitutions of feudal origin, such as “La Carolina” promulgated in Regensburg in 1532.

One of the consequences of the new Rhenish constitution was that collecting firewood from privately owned forests was typified as theft. With the capitalist non-distinction between firewood as property to be sold and firewood collected for survival, a good for survival (firewood gathered by the poor) became indistinguishable from a commodity (firewood manufactured). In other words, use value and exchange value became interchangeable (Bensaid, 2007: 66). The goal of the legislation was, therefore, to defend property rights, making commercial economy indistinguishable from a subsistence economy.

The medieval law used to take into account the irreducible particularities of each case, rather than applying abstract economic formulas. The customary law of the poor used to have a particular legal form, especially regarding matters of property. This “was based on the fact that certain types of property were indeterminate in character, which, ultimately, could not be conferred a full character of private property nor a character of public property” (Marx, 1842: 28). The ownership category of *ambiguous property* fulfilled the function of guaranteeing the subsistence of the poorest. This was possible because, as Polanyi demonstrated, it was not until contemporary times that “the economic system and markets” were dissociated from the rest of social institutions (1944: 141-153), from the Church, for instance. With the disappearance of the *ambiguous property*, a way was opened to the monopolisation of the common goods (Marx, 1842: 33) while “a whole mass of humble men, without economic resources or criminal intentions” were automatically thrown into the criminal world (Marx, 1842: 14). The new laws not only broadened the

scope of what could be commercialised, but also conferred to goods a sacred status — a status previously awarded only to religious object, and now used broadly and without control. The merchandise became a new religious fetish:

The savages of Cuba considered gold to be the fetish of the Spaniards. So, they celebrated it with a feast, danced and sang around it, and then threw it into the sea. Had the Cuban savages attended the session of the Rhenish parliament, wouldn't they have considered wood the Rhinelanders' fetish? However, a subsequent session, perhaps dedicated to hunting crimes, would have shown them, to their dismay, that people connect fetishism with the worship of animals, and the Cuban savages would have thrown hares into the sea in order to save human beings (Marx, 1842: 54).

Historically, the street has been an example of *ambiguous property*. Throughout human history, millions have turned to it, when there was no other solution. Sellers, tailors, sharpeners, scrap metal scavengers, beggars, whores, *manteros*, rags, *cartoneros*... The street is and has been a refuge for those who have nothing to lose, and the *tianguis* in Mexico are evidence of this. Contrasting an aerial view of the *tianguis* with a view from the ground can generate two contradictory optical effects: the idea of order and chaos. On the one hand, the aerial view makes the street market appear like a uniform and geometric conglomerate that spreads like cancer spreading its metastasis over the urban order. A view from the ground, on the contrary, shows us a sort of complicity between the city and the *tianguis*, as they lean on each other and it is in the *tianguis* where the urban reaches its ecstatic splendour. The boundaries between street markets in the city become less clear.

Delimiting where a *tianguis* begins and where it ends is a State privilege. Such delimitation allows the identification of the *tianguis* and makes them consequently susceptible of being separated from the city which they are said to be pouncing on. Such definition recalls the gesture of the surgeon who removes the abnormal tissue — which was previously healthy — from the body of the patient. The totalising look (of science, for example) would be able to identify the *tianguis*' apparent internal order, as well as the disorder that it generates as a phenomenon “alien” to the city. This vision of the city/organism, which is typical of a certain type of urban planning, implicitly contains already the treatment to be followed in a city that suffers from “informal evil”: its removal.

Paraphrasing Marx, the *tiangueros* make use of the *ambiguous property* of the street or even generate this same ambiguity, to later appropriate it. The network of appropriations in the *tianguis* is not a self-regulat-

ing organic whole, but rather a space in which various instabilities come together. They become codependent, but not necessarily harmonious since they establish conflictive codependency between each other, provided with lines of flight. Such lines provide a certain movement to the *tianguis*, making use of openings that link the “deficiencies” of one actor with the “strengths” of another actor adjacent to it; such strengths are then exposed to new deficiencies, which generate once again precarious, not fully realised, links:

On one side of the *tianguis* there is a truck with watermelons, two young boys next to it offer their merchandise with cries: ‘*A diez pesos la bola de sandía*’ (“the watermelon ball goes for ten pesos”) one shouts, ‘*Pásele, pásele que se acaba*’ (“give it to him, give it to him, as it is selling out”), says rhythmically the other, while offering to the passersby watermelon slices that he cuts with a knife. In a synchronised way, the tinkling of a bell follows each cries round.⁸

I observed this scene in a *floating way*, while walking my *derive* through the “Baratillo” *tianguis* and I later recorded it in my field diary. Street vendors — like the guys with the truck — have no stall and are hence exposed to the sun and the rain, although this makes them more visible, consequently favouring sales. The street vendors that are not entitled to a formal stall, in principle the least privileged amongst the *tiangueros*, become more visible than the rest of the vendors precisely thanks to the way they make their entry and perform in the urban setting. In some way, they turn their presence into an event. De Certeau would define this phenomenon as an urban paradox “the more present, the less visible; while the less numerous, the more privileged by grace” (1980: 94). In other words, individuals are made invisible by the homogeneity of the masse, while disaggregation produces notoriety.

The boys selling the watermelons would represent a specific type: they are fruit sellers who go, with their truck, from *tianguis* to *tianguis*. Another type is represented by vendors with some sort of wheeled cart or human-powered cart, from which they sell sweets, peanuts, homemade *jugos*⁹, *tejuinos*¹⁰, soft drinks, *aguas frescas*, ice cream or some other product; another type describes vendors offering items such as nail clippers, scourers (sponges for washing dishes or showering), sewing kits, scissors and a long etcetera. All of these “stall-less” vendors have in common their mobility. If they don’t sell well in one place, they move to another.

8. Field diary, “Tianguis de Las Aguilas”; April 3, 2009.

9. Local expression meaning “juices”.

10. Fresh drink made of corn, ice, lemon, salt and ice cream. It is an urban and mestizo version of the indigenous drink called “tesgüino”, mostly made of fermented corn.

Moreover, we also find another category of street vendors that operate in the *tianguis*, but without occupying a formal stall: they are the *tilichentost*¹¹, from the areas of *los tiraderos* (“the dumps”). They offer all kinds of merchandise, objects brought from their homes and displayed on a simple blanket. Lastly, at the most precarious level of appropriation, would be the vagabonds and beggars.

Despite the important differences between them, the stall-less vendors, who we also call *manteros*, have in common that they either do not pay a fee, or they pay very little (“just for the sweep”¹²), to be allowed to be in the *tianguis*. The stall-less vendors are both the stigma and pride of the *tianguis*. Media speak with admiration of these vendors that sell “all the pieces to build a helicopter”¹³. At the same time, those vendors are daily stigmatised for their poverty. Above all, the “formal” *tiangueros* must have a vehicle to transport the tubes, boards, ropes, tarps and other accessories necessary to maintain their stall. Those with a formal stall, need to perform two main action before placing the merchandise to be sold: installing the metal structure of the stall and “making the shadow”.

Both setting up the tubes to create the stall square structure and installing the tarpaulin that will provide the desired shade, all these are activities that require both strength and skills, acquirable only with practice. This can be defined as a non-encyclopaedic know-how, which is orally transmitted. Amongst the *tiangueros*, strategies and tricks of how to set up a stall and create protection from the sun, are handed down generation after generation. In particular, to achieve the latter, one has to acquire basic knowledge about the changes in light and the movement of the sun throughout the day: this means knowing in which direction to place the canvas to enjoy the shade for as long as possible. Finally, boards are placed in the stall to build a table on which products are placed, being them clothing, footwear, makeup, etc...

This type of stalls makes up the majority of *tianguis* and the vendors who own them look at the *manteros* with a certain contempt. Like *Don Luis*, who thinks the *manteros* are *huevones* (“lazy”) who do not want to set up a position *como Dios Manda*, (“properly”) and only sell *chingaderillas*¹⁴ (useless things). This opinion contrasts with that of buyers like “Pancho”, for example, since for him the *chingaderillas* street market is

11. Local expression meaning “storerooms”.

12. Interview: Don Luis; March 11, 2009.

13. Federal Consumer Prosecutor’s Office. Consumer Magazine. Podcast53: “The history of the *tianguis* in Mexico.” In http://www.profeco.gob.mx/Podcast/Programa_podcast/POD-CAST53.mp3.

14. Interview: Don Luis; March 11, 2009.

lo chido (“the coolest”) and, in his opinion, it represents the original form of the *tianguis*.¹⁵

Despite these social differences between “formal” *tiangueros* and *tiangueros manteros*, all *tiangueros* share a discretionary use of the street. In the Baratillo¹⁶ I approached a peculiar situation of *ambiguous ownership* of the street, supposedly of public ownership, can be analysed. Toño, one of my informants, tells me that he does not work permanently at the Baratillo *tianguis*; however, when I meet him, he has a temporary stall set up right on the sidewalk outside his house. I ask him about the process to obtain a permit to sell in the *tianguis*. However, contrary to what I am observing, he replies that at that moment “he is not in the *tianguis*”. Intrigued by his statement, I ask him to explain himself, to which he replies that the *tianguis* trade union representative¹⁷ had allowed him to set up his little stall, but only to place it on the sidewalk, since “there is no *tianguis*” in the sidewalk.¹⁸

How can a position that is obviously within the *tianguis* be considered “no *tianguis*”? Apparently, *la banqueta* (“sidewalk”), as an “intermediate space” between a house (the private space) and the street (the public space), is considered as “not belonging to anyone”. As a consequence, in the context of the *tianguis*, it is not subject to the City Council regulations. This also explains the expansion of the *tianguis* beyond its official dimensions, since it grows stealthily along the margins of the sidewalks. For the neighbours, as well as for the *tianguis* supervisors, the sidewalk remains an interstitial space of *ambiguous ownership*. It is not surprising that the eviction program that targets the street vendors operating in the historic center of Guadalajara was named *Banquetas Libres*

15. Interview: Pancho; October 5, 2009.

16. El Baratillo is the largest *tianguis* in Guadalajara, which according to my own calculations, spreads over a minimum of sixty-five blocks, across approximately nine kilometres. Every Sunday, between five in the morning, when the *tiangueros* start their set up routine, until five or six in the afternoon, when the last stall disappears, the “baratillo” is installed. It is undoubtedly one of the largest *tianguis* in the country, although some *tiangueros* even like to define it as “the largest in Latin America”.

17. According to my informant *Don Luis*, there are three largest unions in the country: “CROM, CTM and CROC, all three run the *tianguis*.” They grant the permissions to install, since the use of the *tianguis* is not free or open, but rather regulated. However, to lay a blanket no “formal” permit is needed. One just arrives early and gets the approval of the union representatives. Moreover, “the three unions can operate in the same *tianguis*” and regardless of which one you belong to, “usually the [union] delegates offer good places.” Interview: Don Luis; November 3, 2009. The case of *Toño* represents, therefore, an ambiguous situation, He was allowed to set up a small stall, without permission, but only on the sidewalk outside his house, because there “it is not a *tianguis*” in that specific portion of public space.

18. Field Diary. *El Baratillo*; April 5, 2009.

(“Free sidewalks”). Mayor Enrique Alfaro’s government had set the goal of impeding these forms of appropriation of public space, which are multiplying along the interstitial space of the sidewalks (Espinosa, 2017a).

In July 2015, the newly minted party “Movimiento Ciudadano” (MC) led by Enrique Alfaro won the mayoralty of the city and most of the municipalities of the Guadalajara Metropolitan Area (ZMG). When a large number of urban activists, environmentalists and bicycle riders joined MC party, the media began to speak of an unprecedented figure in local politics: “the *official* activist”.¹⁹ Alfaro’s new political party brandishes a “radical” discourse in the struggle for urban justice. However, even during his campaign, in a meeting with businessmen, Enrique Alfaro had “committed before society” to make of Guadalajara “a city brand.”²⁰

As soon as Alfaro was in power, the “Free Sidewalks” program was launched, aimed at preventing motorists of parking their cars on the sidewalks. However, in the fine print of the program an open hostility against informal workers who earn their living in the city center, was already present.²¹ At the same time, the Ciudad Creativa Digital (CCD) — “Digital Creative City project” — apparently boycotted by previous administrations, was ratified. The CCD aims to be a digital hub that involves various multinationals from the technology and entertainment industry. At that time, Alfaro declared that this project is just the beginning “of the comprehensive intervention that will take place in the Historic Center”, calling it “the rescue of public space”.²² Seven days after the launching of the CCD project the repression against street vendors would begin.²³

On November 1, 2015, with unusual violence, the police entered the *tianguis* Baratillo. At least 500 vendors were removed from their places, while the “Urban Image” new regulation that definitively outlawed street commerce in the historic center received the unanimous approval. Thereafter, the various affected groups started a series of protests: *tiangueros* del Baratillo, street vendors from the center, indigenous artisans from the San Juan de Dios area, merchants from the Obregón Street, as well as the former owners of Mercado Corona that were dissatisfied with the allocation of premises in the New Corona Market. Photographs of street vendors drenched in blood showed the brutal repression of the demonstrations.²⁴ Subsequent to these actions, described by the Government and

19. See *El Informador*, October 3, 2015.

20. See *El Informador*, May 21, 2015.

21. See *El Informador*, October 17, 2015.

22. See *El Informador*, October 10, 2015.

23. See *El Informador*, October 17, 2015.

24. See *El Informador*, November 26 and December 18, 2015.

the media with the euphemism “the cleaning of the center”, the Spanish newspaper *El País* featured a comprehensive report on Enrique Alfaro, in which he was referred to as “The clean man from Guadalajara”.²⁵

Mayor Alfaro manages to strike a blow and, at the same time, pursue an old dream of the local bourgeoisie: to extirpate the “cancer” of urban informality, which is how business and employer’ organisations see the *tiangueros*.²⁶ By pressuring the authorities, these groups have encouraged and motivated the government’s repression against the *tiangueros* and other categories of street workers. Considering that their hostility against *tiangueros* and street vendors has a long history, their rejoicing reaction to the repression of the *tiangueros*, often carried out with extreme violence, comes as no surprise. However, in a social context marked by precariousness and lack of employment, the eradication of street markets from the city seems to be an impossible enterprise. On the contrary, they would only achieve that street vendors refine their tactics of appropriation of the street and evasion from the norm.²⁷

“My cart is my visa”: camouflaging as a city to look like a citizen

During the 1990s, African migration in Spain consisted mostly of North Africans, especially Moroccans. At that time, the sub-Saharan community used to see Spain as a simple “stepping stone to traditional host countries” (Robin 1996: 57). However, by the early 2000s, Spain became “a migratory destination comparable to Germany, the United Kingdom or France” (Sow, 2004: 235) for migratory movements from sub-Saharan countries, and especially from Senegal. The North of Morocco and Rabat became the main gateway to the Iberian Peninsula of these movements, while the Canary Islands were also introduced into the migratory destination cartography (Rosanders, 2000). It is precisely by landing with a small boat — a *patera* — into these islands that my informants entered Spain from Senegal, as Ahmed shares with me: “I have been here since the end of 2005 [...] From Senegal to Guinea and from there to Las Palmas, then Barcelona [...] I was the captain of the ship and they wanted to prosecute me for human trafficking, but after serving my 40 days in the

25. See *El Informador*, November 18, 2015.

26. Melissa Jonguitud. “They support Guadalajara to apply regulations and remove street vendors from the center.” *Informative DK 1250*. August 8, 2011. In <http://dk1250.com/local/35004>.

27. Paloma Robles. “Evictions. Authority that is imposed by force”. *The Jalisco Day*. August 8, 2011.

CIE of Las Palmas, since they didn't tell me anything, I demanded my right to be released [...]"²⁸

I met Ahmed through Akhba, who is originally from Guinea Bissau, and the latter through a personal contact. I interviewed Ahmed and through him I began a participant observation in the group occupying the squat known as "La Nave". More than a "squatter", in a traditional sense, La Nave was a shantytown located in the old parking lot of "Los Encantes", the most important second-hand market in Barcelona. Despite their precariousness, Ahmed's place and the other houses of La Nave were decent spaces endowed with certain comforts. From waste, Ahmed had built a shelter for himself, that included a stove, television, stereo, bed, mattress and a makeshift shower. My observation at La Nave, where about a hundred Africans lived, all *chatarreros*, was short-lived. On March 11, 2015, at approximately 7:00 a.m., the houses were destroyed by bulldozers, following an order issued by Mayor Xavier Trias.

Evicted from La Nave, the *chatarreros* disperse. A few continue squatting in other locations, but most of them found a place to rent. Ahmed, who previously was able to send between 100 and 200 euros per month to his family in Africa, started to pay around 300 euros for renting a room in a basement in the Raval neighbourhood. The eviction was also disastrous for my field research, as I lost contact with the community of *chatarreros*. However, I managed to maintain contact with some of its members, including Ahmed, while I decided to continue my research only with him, shifting to a *life story* research approach.

Ahmed and I agreed that I would accompany him throughout his every day journeys, interviewing him while he collected scrap metal. Margarethe Kusenbach (2003) conceptualised an urban research technique that she named as "go-along", and described it as "a new ethnographic research tool that brings to the fore some of the invisible, transcendent and reflective aspects of lived experience" (2003: 02). This tool integrates elements of the in-depth interview into different ethnographic aspects. Unlike the traditional interview, where the items are defined a priori, in the go-along technique the interview emerges within the 'natural' environment and experience of the research performance. According to Kusenbach, the study of "spatial practices" is one of the areas in which the go-along is especially effective and enriching (2003: 05), since it allows us to explore the experience of our informants with space.

Like when walking in a group or with another person only, in the go-along there is a particular rhythm of steps, a choreography of gaits,

28. Interview 1: Ahmed. March 2, 2015.

walking accelerations and decelerations. How do the walking rhetorics of an African *chatarrero* and a Mexican anthropologist meet? There are tensions, frictions and disagreements that can be interpreted, and they are part of the research process. As I accompany Ahmed to collect scrap metal, I walk at a faster pace than him: “With a cart, you don’t go that fast,”²⁹ Ahmed tells me. Intrigued, I reply suggesting if it wouldn’t be better to go faster and “arrive there before the others [*chatarreros*], so to get the best scrap”. In my view, the more dumpsters we check, the more trash “of better quality” we will find. However, his answer is counterintuitive and opens the way for me to make surprising discoveries:

When you go with [the] cart, you have to go slow, that is how people see you, and they know that you are working; people call you [from the floors or lands where there are bricklayers working] you help to carry some things down from a house; they give you 10-20 euros, or a Spanish man sees you and gives you 5, 10 euros for food; you don’t go fast with the cart, you go slow so that people can see you.³⁰

As a modern notion, citizenship is said to be devoid of any nationalistic sentimental narrative. However, legalistic perspectives tend to omit the founding myths of peoples and nations as “imagined communities” (Anderson, 1983) built by states, ruling classes and hegemonic groups. Therefore, besides civil citizenship, there is a “social citizenship” (Fraser and Gordon, 1992). The relationship between citizenship, the exposure of the body and the discrimination in public spaces can be understood as a series of unwritten moral judgments, which translate into a “citizenship” ideology (Delgado, 2016; Garnier, 2000) that disciplines and/or restricts *de facto* the free use of the street.

Ahmed explains to me that when he arrived in Barcelona, without papers or knowledge of the language, living on the streets and sleeping in ATMs, the police harassment he had to endure was persistent. He could find himself detained up to four times a day. Fear had settled in his body. The lack of protection and the constant police checks had made him fear the street. He says that he was once arrested when he was trying to return a bag that he had managed to take away from a thief, who had robbed a tourist. In the end, he did not go to prison, since the tourist supported his version, although they had to go to trial, which had a traumatic impact on him. If he walked with a Spanish or at least non-African friend, he would be automatically arrested, since the police always assumed he was a thief chasing his white victim. Before becoming a *chatarrero*, Ahmed had sought

29. Derive 1: Ahmed; July 5, 2015.

30. Derive 1: Ahmed; July 5, 2015.

for any work in the street, fighting to survive. In such circumstances he faced many issues with the police. He even ended up spending 4 months in jail. The experience, he says, was very hard, because in jail “you have to fight for everything [...] if you don’t fight, you don’t survive, they kill you.”³¹

Once he gets out of jail, he starts to work with scrap metal. I ask him if the police would not harass him now more than before, since he is more visible (and audible) with that noisy supermarket cart he pulls, stumbling against the pavement, on which he patiently deposits the collected junk. Contrary to my assumptions, he replies: “Before, I was very afraid of the street, of going out on the street [...] the police always stopped me [but] now nobody stops me with the cart.”³² He uses a metaphor to draw his relationship with the cart: “I always say that my cart is my visa”.³³ This seems to challenge certain logic assumptions: on the one hand, pulling a cart implies “announcing” that a “crime” was committed, as it implies that a cart was stolen from a supermarket; on the other hand, it also suggests that, almost certainly, another crime will be committed: collecting garbage illegally, since all waste, at least when it is in a container, becomes property of the City Council. However, the situation described by Ahmed is precisely the opposite, since the cart is described by him as a “protection” against police repression. How does this happen?

As we saw with Agamben and Schmitt, the state of exception implies the ontological divorce between the norm and its application. While, at a theoretical level, the state of exception is linked to a certain political theory, within the ethnographic practice it is revealed as “a porous and uncertain borders between what is legal and what is illegal” (Telles and Hirata, 2007). Salvatore Palidda, for instance, calls this legal ambiguity “discretion” (2000: 233-241), defining it as the intrinsic arbitrariness with which the forces in charge of maintaining urban order operate. In his ethnographic work on the Italian police, Palidda discovers that, by assuming the role of maintaining social normality, the security forces embody and act on behalf of the local community’s commonsense. Thus, as an expression of the common citizen, the police do not always behave according to the law; their actions rather result from the popular idiosyncrasy. In this sense, police racism can be considered an expression of sociological racism:

The discourse focus of the neo-racist is somehow spontaneous: the idea that the degradation of the city is due to the presence of immigrants [...] and that

31. Interview 1: Ahmed; March 2, 2015.

32. Derive 2: Ahmed. August 17, 2015.

33. Derive 2: Ahmed. August 17, 2015.

this will be necessarily the origin of a security problem, is now considered a common-sense truth. Once the period in which all the ills of the city were attributed to political corruption is over, the acquittal of politicians leads to the fervor of public opinion against the undesirables (2000: 144).

In this sense, what dictates the sociological racism of the police is that a black man who “does nothing” is not the same as a black man who is working. Although there should be no difference between a black man working and one who relaxes, there is a discretionary application of the law guided by “common sense”. This allows Africans like Ahmed some leeway, as he can present his *self* according to criteria acceptable to the common sense of the police. So, the porosity of both legality and illegality also makes it possible for certain disobediences to become “tolerated illegalities”: that is, activities that are legally prohibited, but on which tolerance limits are drawn, which enables a certain optional application of the law “by State agencies”(Pita, 2013: 207).

Ahmed’s performance with his cart results from his attempt to create favourable conditions for his presence and activity in the street, the same way we all do in our daily social interactions within the public space. As shown by Goffman when an individual appears before others, his actions will influence the way people will interact with him, defining in some way the situation of interaction (Goffman, 1959: 18). However, there are unconscious and involuntary elements in the construction of impressions; not all aspects of our expressive behaviour are “governable” (Goffman, 1959: 19). The witness (the police) may not be questioned by the handling of the interlocutor’s impressions (the *chatarrero*). The witness may distrust or have prejudices that are difficult to break; however, when the interlocutor has managed to define the situation (like Ahmed with his cart), a “facade of consensus” (1959: 19-21) is produced by the witness.

Ahmed has learned to play the Goffmanian game of constructing everyday situations, using the cart as a symbolic and theatrical element. That is why his cart has become *his visa*, as he states. Thanks to his cart, he carries out a performance through which he devises a simulation of urban citizenship, intended in the sense that Nancy Fraser gives to social citizenship as extra-legal recognition. The cart has helped Ahmed to blend into the environment; he becomes invisible behind a function that others recognise as useful. He is no longer just “a black man”, now he is a *chatarrero*, which gives him some sort of social recognition.

The cart has introduced him to a new relationship with the city. “With the cart I am no longer afraid,”³⁴ Ahmed tells me. The complicity

34. Derive 2: Ahmed. August 17, 2015.

between thing and person becomes a material-symbolic artefact that generates alchemical possibilities: its presence in the city is naturalised and Ahmed acquires the gift of invisibility and, as all city dwellers know, anonymity is one of the characteristics of urban citizenship. It may seem like a small thing, but at least now, Ahmed goes unnoticed. Thanks to his cart, Ahmed manages to make his blackness invisible and make himself visible as a *chatarro*, that is, as *just another urban worker*. This social citizenship has to be performed every day, a hard work, but at least for Ahmed, it has helped him to no longer go to jail.

Comrade objects assaulting the floors

Year after year, La Rambla, the tourist heart of the city of Barcelona, becomes the theatre of one of many global conflicts around the dispute over public space, in which informality is the main actor. Along La Rambla, the *manteros* deploy a series of tactics, which they call *El Juego* (“The Game”)³⁵, to be able to install and sell their merchandise, most of this being brand piracy products. This game begins when they leave their house,³⁶ where they have already been identified by the police. In situations of particular tension, *manteros* can be detained as soon as they step out of their place. *Ad hoc* regulations, especially formulated and approved in real time, are precisely aimed at limiting the mobility of this group. An example is the temporary prohibition of introducing “large packages” into the subway, which blocks their access to their main means of transport.³⁷

When they manage to overcome the first barrier — the access to public transportation — they face a second dilemma: finding a spot to sell their products. To this end, the *manteros* carry out a preliminary exploration, verifying the presence of the *Guàrdia Urbana*, *Mossos d’Esquadra* [Autonomous Police of Catalonia] or plainclothes police officers [*secretas*]. If *secretas* are standing in the lower part of La Rambla, it is better to go to the upper part. If the moment is not favourable to be out on the street and sell, they will wait on the different platforms and passages of the Catalonia metro station. Waiting for the right moment, or what De Certeau calls “*kairós*” (1980: 96), is part of the tactics deployed by the *manteros*.

Such tactical, extemporaneous intelligence is paradoxical, since talent is drawn from the difficulties faced by the subject. This is illustrated by a

35. Interview with Abdou. May 2, 2016.

36. Interview with Abdou. May 13, 2016.

37. See *Diario Izquierda*, April 20, 2016.

situation that I observed during my field work. On Halloween in 2016, the Guàrdia Urbana van — la *lechera* (“milk truck”) in the street slang — was circulating in the middle of the pedestrian walkway of La Rambla with the intention of “running over” the *manteros* while selling. Thanks to a mechanism consisting of a cord that when pulled automatically closes all the merchandise inside the blanket, the *manteros* can run away and flee from the police. Later, when the moment is right, they return to settle on the ground by simply unfolding the package.

That day, like many others, when *manteros* were about to be run over by the *lechera*, they pulled the cord to transform the *ambu* (“blanket” in Wolof language) into *sare* (the package), they got up and then surrounded the van, standing at the rear of the vehicle and again unfolding the blanket on the ground. Repeated several times, this scene became a sort of choreography of the urban conflict. In the context of Barcelona as a spectacle-city, the role of the police has a cosmetic character that generates another series of paradoxes: the presence of the *manteros* in La Rambla is incompatible with a carefully designed image of Barcelona as a sweetened and devoid of conflicts city, since the direct repression of the *manteros* is counterproductive to this image;³⁸ therefore, the policemen “play” a war of attrition, while *manteros* “play” to resist.³⁹

For De Certeau, the tactics, as “calculated actions”, are aimed at “turning the weakest position into the strongest one”, although the subject is in a foreign territory, in which the enemy is the one “that imposes and organizes the law”. It is about turning circumstances to your advantage when you are not in a familiar environment (1980: 42-43). Here is a scheme of the way a *mantero* acts within the space: 1) there are certain power relations that configure the urban space and place the street worker in a sphere of illegality; 2) the latent popular knowledge in informal practices is in opposition to such illegality; 3) when the informal collective applies its “invisible” knowledge to space, 4) a transformation takes place in the urban context, perceptible as a conflict between the “vivid space” and the “represented space” (Lefebvre, 1974: 93).

Therefore, although the activity of informal workers falls within the scope of “social reproduction” (Heller, 1970: 37), a paradox exists: it is in the everyday life where the non-everydayness happens (*Erlebnis*). The latter is, in turn, the “secret ferment of History” (Heller, 1970: 39-40), or,

38. Field diary. October 21, 2016.

39. This is a very concise and synthesised description of my field work research with the *manteros*. For a more exhaustive and deeper account and analysis of the subject, please see my own text “The rebellious market of Barcelona. Anti-disciplinary practices in the commodity city” (Espinosa, 2017b).

in other words, a *political event* that cannot be determined a priori because it is not harboured in the structure. No one predicted that the reproductive activity of the *manteros* would be the prelude for the emergence of a political movement like the *Sindicato Mantero* (Manteros Union), for example. On the other hand, it goes without saying it, such irruption into the urban order would always meet the violent opposition of the owners of “the means of urban production” (Garnier, 2018: 08).

Informal collectives like the *manteros* have the ability to challenge the linear, stageist and teleological notion of social change embedded in the orthodox Marxist idea of “historical necessity” (Mazzeo, 2017: 02). They show us that social change is possible, and that this results not necessarily from an exercise of predictable regularities, but rather as a game of creative abnormalities. If considered as a political movement, urban informality challenges the determinism that is typical in the possibilist versions of traditional social movements, where we find “sacrificial positions that suspend the pleasure principle, repress ecstasy and promote discipline” (Mazzeo, 2017: 02).

An object (a blanket, a cart, a stall) is a door that produces a “threat” (Tirado, 2001: 124) opening the way to a political event. The living city is made of these minutiae, of these socio-material games where objects and people are intertwined in a network of gestures (Lásen, 2006). At the beginning of the Socialist Revolution in Russia, constructivists imagined the possibility of new objects, radically different from the passive goods of consumerist societies. In an important essay from 1925, titled “Daily life and the culture of things”, the Soviet artist Boris Arvatov had imagined active “socialist objects” as a “culmination of the organism’s psychological-labor capacities, as a socio-labor force, as an instrument and as a co-worker” (Arvatov, in Kiaer, 2009: 05).

For Russian constructivism, these *comrade objects* were thought as imbedded in a mutually active relationship, so that more than consumables goods they were functional to the “creation-of-everyday-life (bytovorochestvo)” (Kiaer, 2009: 06). Unlike the passive-spectacular relationship between the user and the urban context, the various informal groups challenge the space designed and represented by official urban planning. This happens in an ephemeral way and thanks to the co-participation of “comrade objects” such as *las mantas* (“the blankets”). At the margins of the neoliberal city, this know-how is transmitted through generations by support networks of different types, including family, activism, neighbours, or cross-border networks. It is within these collectives that expertise knowledge around the tactics and strategies for the popular appropriation of the means of urban production is continually generated.

By way of conclusion: How is the Right to the City realised in the 21st century?

Currently, the concept of “Right to the City” (Lefebvre, 1968) seems to be having a new surge of interest. This is what emerges from events like Habitat III, the conference on “sustainable urbanism” organised by the UN every two decades. Taking place in the city of Quito,⁴⁰ its last edition placed particular emphasis on the fight “against urban inequality and discrimination” or, at least, this was stated in the document “The World Charter for the Right to the City” (HIC-AL, 2008: 181-205). This was a curious text, whose ultimate goal was to reconcile certain “urban rights” with the fundamental principles of neoliberalism. One of the most disconcerting aspects of this text is the claim of the “social foundations of property”; in the same line, was the statement — the most publicised of Habitat III — made by the ex-mayor of Barcelona and Director of UN-Habitat, Joan Clos, about the necessity to think “of urbanisation as a form of investment, not as an expense”.⁴¹ This was a declaration of intentions that would reveal a conception of the urban as exchange value.

To employ the notion of the Right to the City in these terms is in absolute contrast with the original connotation proposed by Lefebvre, insofar as his vision of such right transcends the framework of the law and rather falls within the field of political contestation. In his view, the Right to the City is a utopian project or a “superior form of rights” (Lefebvre, 1968: 158). Following Marx’s criticisms of the abstract logic of civil rights stated in “On the Jewish question” (Marx, 1843), derives from a liberal approach, Margaret Kohn suggests that the Lefebvrian critique of law is also a critique of its mystifying character (2016: 187). Conceived as abstract and mystified, social rights in capitalist societies are a sham, especially because they are subject to the often-fickle interests of the market. In this context, the State does not feel truly obliged to provide rights to its citizens (Umpierrez, 2005: 38), with the exception of a handful of civil and property rights.

This is crucial to understand why the concept of the Right to the City is contradictory if employed within the framework of liberal law. Such a notion is, in fact, intrinsically linked to the tradition of the collective action and the social movements, which opposes the neoliberal domination of the urban. In this sense, Lefebvre’s original concept was brutally twisted to adapt to the abstract and mystifying character of bourgeois civil law.

40. See *El País* newspaper; October 21, 2016.

41. “Urbanization is a source of prosperity, says UN Habitat executive director”. UN website. En <https://news.un.org/es/story/2017/06/1381461>. Accessed on June 19, 2018.

It is not surprising that one of the main criticisms arisen toward Habitat III is its inability to find a political subject who is responsible for carrying out the, already tepid, “new urban agenda”.⁴²

The right to the city is not “a right of visiting” (Lefebvre, 1968: 139) or, following current trends, “of accessing”; neither is it a return to a harmonious “traditional city” (1968: 139); nor is it “the ideology of participation” (1968: 123). Even more strongly, it is not a “progressive” urban conception imposed by a system, be it the state or the market (1968: 101). It can be said that “the right to the city” is a paradoxical concept since it makes use of the demo-liberal rhetoric of human rights to propose what Manuel Delgado would call a “super-right”.⁴³

The right to the city is above all the restitution of the use-value of urban life, freed from the “domain of the economy (of the exchange value, the market and the merchandise)” and, therefore, it can only be inscribed within “the perspective of the revolution of the working class” (1968: 165) pursuing the problematic, ideal and utopian objective of urban “self-management” (1968: 123): “The right to the city manifests itself as a superior form of rights: right to freedom, to individualisation in socialisation, to habitat and to inhabit. The right to the *œuvre*, to participation and *appropriation* (clearly distinct from the right to property), are implied in the right to the city” (Lefebvre, 1968: 158).

In this return to Lefebvre, the fight for the right to the city, from the perspective of the struggle for the street, should be carried out from two fronts: that of civic rights, claiming the right to the free use of the street in the face of the state of exception of protected democracies; but also, from the front of the economic rights, claiming the right to appropriate the street as a space of production of the urban, that is, appropriating the street as an *ambiguous* or common property. From this point of view, informality is a paradoxical realisation of the right to the city, sustained by a series of *allegalsisms*/illegalisms obtained through the continuous action of informal workers, which are tolerated by the authorities in specific times.

This is like a perpetual “game”, where negotiation opens the way to conflict that once again becomes a negotiation, and which reaffirms the indecisive nature of the public space as a public (state) property that constantly tends toward privatisation. This public-private appropriation of the street is never achieved, while, at the same time, it is always overflow-

42. See *El País* newspaper, October 21, 2016.

43. Participation in the colloquium “May 68 or the conquest of the right to the city. Tribute to Henri Lefebvre”. Faculty of Geography and History. University of Barcelona. May 16, 2018.

ing. In other words, the collective production of the urban, as an exercise in the restitution of the city' use-value, implies the totality of energies of the daily collective life. Censorship on the "unregulated" uses of public space and its infringement, shows us how the structural class struggle is *represented* on the street, but at the same time, it is in the street where a concrete class dispute takes place.

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