

**Between the State and the Street:  
Experiences of Bureaucracy**

Dennis Edward Webster

A dissertation submitted in fulfilment of the requirements for the degree

Master of Social Science (MSocSci Anthropology)

In the Department of Anthropology and Archaeology at the

UNIVERSITY OF PRETORIA

FACULTY OF HUMANITIES

Supervisor: Dr Detlev Krige

November 2017

## **Declaration**

I, Dennis Edward Webster, declare that this dissertation is my own original work only. Where the work of others has been used, this has been acknowledged and referenced in accordance with the Department of Anthropology and Archaeology, Faculty of Humanities and the University of Pretoria.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Table of Contents

<b><u>ACKNOWLEDGMENTS</u></b>	<b>4</b>
<b><u>ABSTRACT</u></b>	<b>5</b>
<b><u>LIST OF ACRONYMS AND ABBREVIATIONS</u></b>	<b>7</b>
<b><u>LIST OF FIGURES</u></b>	<b>9</b>
<b><u>CHAPTER 1. INTRODUCTION</u></b>	<b>10</b>
1.1 RESEARCH <i>PROBLÉMATIQUE</i>	17
1.2 JOHANNESBURG'S STREET ECONOMY: STREET TRADE IN CONTEXT	23
1.2.1 LOCATING THE 'STREET ECONOMY'	28
1.3 WRITING THE IMPASSE: RESEARCH METHODOLOGY	32
<b><u>CHAPTER 2. LITERATURE REVIEW</u></b>	<b>41</b>
2.1 THE INFORMAL SECTOR AND INFORMAL ECONOMY	41
2.3 THE STATE AND BUREAUCRACY	45
<b><u>CHAPTER 3. FROM 'BLACK PERIL' TO CRIME AND GRIME: A BRIEF HISTORY OF STREET TRADE IN JOHANNESBURG</u></b>	<b>50</b>
3.1 BEFORE 1994	51
3.2 AFTER 1994	55
3.3 OPERATION CLEAN SWEEP	58
<b><u>CHAPTER 4. INTERACTIONS BETWEEN THE BUREAUCRACY AND THE PEOPLE</u></b>	<b>64</b>
4.1 THE RAID	66
4.1.1 THE DIRTY BUSINESS OF CLEANING JOHANNESBURG	67
4.1.2 RAIDS AS THE EXTENSION OF TRANSIENCE	71
4.2 THE MEETING	72
<b><u>CHAPTER 5. THE ABSENCE AND PRESENCE OF THE STATE: TWO STREET TRADERS, TWO STORIES</u></b>	<b>79</b>
5.1 A RAPID RISE: BENJAMIN AND THE PROFESSIONALISATION OF THE STREET ECONOMY	80
5.2 OUTLIVING THE MINES AND WAITING FOR SOCIALISM: TSHEPO'S BUSINESS AT NOORD STREET	88
<b><u>CHAPTER 6. SEEING FROM THE STATE</u></b>	<b>93</b>
6.1 THE CITY OF JOHANNESBURG: THE ILLEGIBILITY OF GOVERNMENT	94
6.2 AESTHETICS AS A GRAMMAR OF LEGIBILITY	99
<b><u>CHAPTER 7. SEEING FROM THE STREET: THE EVERYDAY PRACTICES OF STREET TRADERS</u></b>	<b>103</b>
7.1 ON THE ALLOCATIONS OF TRADING SPACE, KINSHIP NETWORKS, AND THE IMPORTANCE OF BRIBERY	103
7.2 BUREAUCRACY IN THE LIFE OF A TRADER	104
7.2.1 ADMINISTRATIVE TEXTS	105

7.2.2 CONSTRUCTING LEGALITY AND LEGIBILITY	110
<b>7.3 STREET RECIPROCITY: THE RELIANCE OF THE MARKET ON NON-MARKET ENGAGEMENTS</b>	<b>112</b>
<b>7.4 THE RISKS OF SUCCESS AND THE MANAGEMENT OF VISIBILITY</b>	<b>114</b>
<b>CHAPTER 8. CONCLUSION</b>	<b>117</b>
<b>BIBLIOGRAPHY</b>	<b>121</b>
<b>BOOKS, CHAPTERS, ARTICLES, THESES AND RESEARCH REPORTS</b>	<b>121</b>
<b>COURT PAPERS AND JUDGMENTS, POLICY AND LEGISLATION, GOVERNMENT PUBLICATIONS AND MUNICIPAL DOCUMENTS</b>	<b>133</b>
<b>MEDIA AND PRESS STATEMENTS</b>	<b>135</b>

## **ACKNOWLEDGMENTS**

Thanks must first go to the Socio-Economic Rights Institute (SERI) for allowing me to make use of data that I collected while working as a researcher there for this dissertation. And to members of the South African Informal Traders Forum (SAITF) for introducing me to Johannesburg's street economy, and receiving me into some of the on-going struggles of those who make their living there.

I am also grateful to my friends, colleagues and peers, who have been to me a community of encouragement and dialogue. Afika, Beena, Ben, Brandon, Candice, Dan, Daneel, Francois, Jimmy, Joel, Josh, Kate, Khuselwa, Lwazi, Michael, Naadira, Noizee, Pierre – thank you.

I will eternally be beholden to the three women who have raised me and given to me the most cavernous love. Anjuli, Evette and Betty – thank you for everything, and thank you for always.

Finally my two champions, and this project's real emancipators. Detlev, for your friendship, patience, rigorous and unforgiving attention, and willingness to take a chance, and Bhavna, for your persistence, encouragement, sacrifice, comments, and insistence that I read about the Early Morning Market. From the bottom of my heart, thank you both. For a long time, this dissertation laid neglected and dead in the water. I can never convey to you both the weight of your provocations, nor how deeply indebted I am.

## **ABSTRACT**

The management of informality by the state has a long and complicated history in Johannesburg. This dissertation deals with one recent element of that history: the relationship between informal street traders and the City of Johannesburg municipal government (the City).

In a 2013 effort to rid Johannesburg's inner city of 'crime and grime', the City evicted in the region of 8 000 street traders from their businesses, and kept them off the street for three months. The mass eviction, dubbed 'Operation Clean Sweep', eventually made its way before the Constitutional Court, where the City was lambasted for its actions and ordered to allow street traders to resume their trade. In the years that have followed, the relationship between the City and street traders has been characterised by impasse.

The aim of this dissertation is to probe how bureaucracy works in people's lives by exploring what Operation Clean Sweep and its aftermath reveal about the relationship between Johannesburg street traders and the local state. As a result, it fits into the developing literature on what has been called the 'human economy' (Hart 2004).

Guided by various theoretical perspectives on both of the conceptual poles of the relationship – the 'state' and the 'informal sector' – and drawing on ethnographic material from my time as an employee at an NGO heavily involved in the developing relationship between street traders and the City in the wake of Operation Clean Sweep, the dissertation sheds light on aspects of the relationship until now largely absent in the literature on Johannesburg street trade. The findings of the dissertation ultimately suggest that systems in what are often understood as unordered 'informal' contexts, and deeply personal and contingent aspects of the City's formal bureaucracy, are central to understanding this relationship.

The Johannesburg street economy represents an immediate exposure of the ways in which impersonal market exchanges are possible only through the continual eruption

and control of the social and personal (Hart 2001). The dissertation reveals some of the informal arrangements that have developed in a general absence of effective management by the state. These include practices of reciprocity intimately shaped by the street economy (Sahlins 1972), and the careful management of the visibility of economic success, which often threatens the survival of reciprocity among street traders, and therefore the survival of informal businesses themselves.

The state's management of street trade, which has recently sought to impose modernist schemes on the inner city, is produced from a complex interplay of, among others, the state's relationship with powerful elite property interests (Harvey 2009), the personal motivations and experiences of bureaucrats, and a push to render street traders legible (Scott 1998). This legibility is, however, not achieved through the conventional devices of documentation and enumeration, but instead through the development of a grammar of aesthetics (Ghertner 2011).

## **LIST OF ACRONYMS AND ABBREVIATIONS**

- ANC – African National Congress
- CID – city improvement district
- Clean Sweep – The Mayoral Clean Sweep *or* Operation Clean Sweep
- CUBES – Centre for Urbanism and Built Environment Studies
- DA – Democratic Alliance
- DED – Department of Economic Development
- ESSET – Ecumenical Service for Socio-Ecumenical Transformation
- EFF – Economic Freedom Fighters
- LFS – Labour Force Survey
- IBM – International Business Machines Corporation
- ILO – International Labour Organisation
- JAG – Johannesburg Art Gallery
- JDA – Johannesburg Development Agency
- JMPD – Johannesburg Metro Police Department
- JPC – Johannesburg Property Company
- JRA – Johannesburg Roads Agency
- MMC – Member of the Mayoral Committee
- MTC – Metropolitan Trading Company
- NGO – non-governmental organisation
- OHS – October Household Surveys
- PRASA – Passenger Rail Agency of South Africa
- SACC – South African Council of Churches
- SACP – South African Communist Party
- SAFA – South African Football Association
- SAITF – South African Informal Traders Forum
- SANTRA – South African National Traders Retail Association
- SARHA – South African Railway Hawkers Association
- SARS – South African Revenue Services
- SERI – Socio-Economic Rights Institute of South Africa
- SMME – Small, Medium and Micro-sized Enterprises



- Stats SA – Statistics South Africa
- The City – The City of Johannesburg Metropolitan Municipality
- UN – United Nations

## **LIST OF FIGURES**

Figure 1.	Former Noord Street market.	12
Figure 2.	Johannesburg inner city.	23
Figure 3.	Distribution of informal trading in Johannesburg's inner city.	24
Figure 4.	Locating the Johannesburg street economy.	29
Figure 5.	Traders and their customers surround bins of second-hand clothing for sale.	34
Figure 6:	Locating the SERI fieldwork.	36
Figure 7.	Hot food stalls on Hoek Street.	39
Figure 8.	Fruit stall in the former Noord Street market.	58
Figure 9.	Traders unpacking fresh produce near to Park Station in preparation for the day's business.	78
Figure 10.	Half serving of <i>pap</i> and vegetables from a <i>hot food stall</i> hot food stall in the Hoek Street linear market.	112

## **Chapter 1. INTRODUCTION**

*It's like gambling. Last year they were chasing us away. What kind of future can you expect?*

Interview with Nora Msibi.

The dirty-yellow Metro Rail train behind us made the familiar metallic drones as it slowed down for its shaky entry into Park Station. It was a warm late-morning in early spring. I sat underneath a much-punctured gazebo on an unsteady plastic chair with my back to the pedestrian barrier above the train tracks, alongside Tshepo<sup>1</sup> at his business on Noord Street in Johannesburg's Park Station precinct, directly across the tracks from the Johannesburg Art Gallery (JAG) and Joubert Park. Tshepo was hunched smiling over a copy of *Soccer Laduma*, South Africa's most popular weekly football publication. His smile was half in mourning, however. Mamelodi Sundowns, a Tshwane-based club, were enjoying a particularly purple patch in both domestic and continental competition, and the columns lavished praise on their free-flowing and seemingly unbeatable style of play. As a lifetime Orlando Pirates supporter, it was difficult enough to acknowledge Sundowns' recent successes at the expense of his beloved boyhood club. But to add insult to injury, his neighbour trader, Lawrence, was a peripheral Sundowns supporter. Lawrence's interest was not so much in the club itself, but in the performances of his fellow Zimbabwean, Khama Billiat – a leading light in *Masandawana's*<sup>2</sup> offensive exploits. Tshepo, a generally mild-mannered man, chuckled and dismissed, with a click of his tongue and a wave of his hand, Lawrence's advice that, "You don't have to worry, man. You just have to try learn how to play football." Encouraged by the glowing reviews of his team in the

---

<sup>1</sup> All the names of street traders have been changed in this dissertation to ensure anonymity. While some street traders were happy to have their names appear in the dissertation, and others not, I have taken this decision with the politically charged relationship between street traders and the City of Johannesburg in mind, and particularly the litigious relationship between the City and the South African Informal Traders Forum (SAITF). Anonymity is made all the more important when considering that, while the majority of street traders with whom I spoke are unsure their relationship with the new City administration, many of them feel sure that it will be repressive.

<sup>2</sup> Colloquial reference to Mamelodi Sundowns.

*Soccer Laduma*, Lawrence was also quick to dismiss my own support for Soweto-based Kaizer Chiefs, consoling me with the assurance that “whites must also still learn the game.”

At the time of completing this dissertation, the Noord Street market no longer existed. At least not in the way that I had known it during the course of my fieldwork, sitting underneath Tshepo’s gazebo and talking football. An impressive and newly-erected steel structure now runs the length of Noord Street outside of the MTN mall, near the MTN taxi-rank, where Tshepo and Lawrence’s stalls had once been. The high and arachnid steel structure is referred to as a linear market, under which the Noord Street traders will now be accommodated. For the most part, such linear markets comprise of steel roof structures supported by large beams, underneath which a certain amount of trading spaces are designated. Traders then set up further infrastructure required for their businesses – tables, clothing rails, cramped changing areas kept from street view by a curtain – within the designated spaces.

Linear markets are an infrastructural emphasis of the City of Johannesburg’s (the City) informal trading management strategy, introduced in the mid-2000s after a change in “top management” at the City’s Department of Economic Development (DED) (Bénil-Gbaffou *et al* 2012: 15), and, together with the construction of trading spaces at public transport facilities and the relocation of street traders to markets in selected buildings, one of three key proposed interventions that will characterise the management of informal trade in future (City of Johannesburg Metropolitan Municipality 18 May 2015; 19 May 2015). All three of these interventions are an attempt to redirect street traders, and their customers, away from vehicular traffic ways. The City’s reasoning behind this is that the streets of the inner city are too narrow and have become congested as a result of a high volume of pedestrians; the demand for limited trading spaces on the pavements is too high and has fostered illegal street trading; and the conflicting needs of inner city stakeholders must be balanced (*Ibid*). International evidence suggests that these interventions do not work (see Bénil-Gbaffou (2015)). Bénil-Gbaffou suggests that the City of Joburg’s efforts in this regard are based on the “unsustainable and unrealistic assumption that empty streets will remain empty, and that a limited number of street traders can sustainably

be accommodated in off-street vending spaces without this affecting their business” (Béni-Gbaffou 2015: 83).

The street traders, including Tshepo, who had operated at the former Noord Street market (see Figure 1) had been relocated by the DED, and assured that this would be temporary, and that they would be allocated trading spaces in the new structure once it was completed. At the time of writing this dissertation, this had not materialised, and the allocation of the new trading spaces had become heavily contested, in similar ways to the contested politics around the allocation and distribution of other public goods such as houses (see for examples Oldfield & Greyling (2015) or Oldfield & Zweig (2010)) and land (see for examples James (2007) or Cousins & Kepe (2004)). The DED had sought to move only those street traders whom it had registered and approved into the linear market, using the “upgrade” as an opportunity to register and formalise. The informal trader organisation that represented the majority of street traders who had been operating there before the construction, the South African Informal Traders Forum (SAITF), however, sought to have all their members moved back to their original places of work. This was a typical standoff in a relationship



**Figure 1. Former Noord Street market. Photograph by the author.**

between the city authorities and street traders that has a long history (see for examples Dinath (2014: 245-249); Murray (2008: 227, 229, 233); or Webster (2015: 53-54)).

Senior members of SAITF explained to me that the antagonism arising from the newly planned Noord Street linear market was typical of the way in which the City viewed and managed street traders – as transient and disposable. The fact that the traders organisation quickly turned to their legal representatives at the Socio-Economic Rights Institute (SERI), a public interest litigation non-governmental organisation (NGO), to assist them in their engagements with the City regarding the linear market, speaks to the impasse that had come to mark the street trader-City relationship. It is this impasse that I hope to lay bare in this dissertation.

Competition for severely limited trading space in the inner city is high, and infrastructure and services are oversubscribed. The City has itself recognised in various documents that its objective is to “restrict” street trading as much as possible (CoJ 2005, CoJ 2014). As a result, the local state is not a bystander in the processes of social differentiation among street traders in Johannesburg’s inner city. The class differences between street traders are not inherent to the traders themselves, and somehow naturally produced by ‘the market’. Indeed, in Chapter 8 of this dissertation I explore some of the efforts made by street traders in the street economy in order to counterbalance these class differences. While social class differences are not legislated or explicitly acknowledged in the City’s policies, its active restriction of available trading spaces bares some resemblance to the colonial and apartheid states which were “active in the construction and management of social class differentiation among urban African populations” (Krige 2012: 39).

In his discussion of social mobility and new cultures of consumption amongst Soweto’s new black middle class, Krige suggests that the practices emerging from conditions of imposed scarcity, similar to the City’s limitation of available trading spaces, be understood “not only in terms of [their] horizontal meaning, but also vertically” (2012: 38). He explores Johannesburg’s structural housing shortage, which had its roots in apartheid local authorities’ refusal to use white taxpayers’

money to develop permanent and decent residential areas for black people. The structural shortage of housing in Soweto resulted in the “cultural, social and economic valuing of houses” (2012: 34), and the resulting practices of consumption became expressions of identity and “markers of modernity” (2012: 38). Whether owned or rented, houses were “material and symbolic sites for the expression of social class and membership to the city” (2012: 34).

The City’s reluctance to provide housing for urban Africans, and the resulting high demand for housing, bears obvious resemblance to its more recent active limitation of available trading spaces for street traders. Both have resulted in housing and limited trading space becoming respective sites for political mobilisation. And while street traders are unable to buy or own their trading spaces, access to trading space has a deeply political dimension, expressed as a claim of belonging in the city as well as to the wider society (Krige 2012: 33).

The competition for trading spaces has also resulted in persistent antagonisms with informality at the municipal level. These antagonisms have conspired in recent years to exclude street traders, often violently, from the economic benefits of plying their trade in the inner city. The current impasse began during the most notorious boiling over of these antagonisms, when the City evicted street traders from the sidewalks and markets of the inner city *en masse* during what became known as Operation Clean Sweep in October and September 2013. The scale of Operation Clean Sweep was reflected in the devastating social and financial costs incurred by street traders, as well as in the tremendous institutional effort and cooperation operationalised by the City. This happened as cities all over Africa were engaging in similar cleaning up processes (see Mpofu (2014) and Lyons *et al* (2012)) and followed the emergence of the Arab Spring and other movements in cities across the world, which mobilised against the formal bureaucracies of both the market and state.

While there are no authoritative figures, most estimates suggest that between 6 000 and 8 000 street traders were evicted during the operation and were stopped from returning to their businesses for three months (Webster 2015), forcing many of them into debt in order to meet their and their households’ needs (SERI 2016). The

evictions and subsequent closure of trading spaces were coordinated and carried out by a multi-disciplinary team consisting of the Department of Public Safety, the Johannesburg Metro Police Department (JMPD), Johannesburg Roads Agency (JRA), City Power, Joburg Water, the Department of Environmental Health, the Johannesburg Property Company (JPC), the national Department of Home Affairs (in order to process any undocumented foreign national street traders) and the national South African Revenue Service (SARS) (allegedly in order to address the issue of any counterfeit goods being sold on the streets) (Pernegger 2016: 194).

Despite marshalling this extensive institutional undertaking, the City's efforts have not been constructive: the management of street trade in the wake of Operation Clean Sweep has developed into an impasse. Research commissioned by the City of Johannesburg's Central Strategic Unit, which sought to consolidate knowledge on informal economies in order to possibly redefine its orientation and strategy after the Operation, suggested the "shifting and contradictory relationships between traders and the City" in 2014 were characterised by "continued litigation and distrust, limited channels of communication, and a formal participatory process led by the City to define ways forward after the first part of the Constitutional Court judgment" (Bénit-Gbaffou 2016: 17). As a researcher employed by the lawyers for an informal trader organisation and investigating the effects Operation Clean Sweep had had on street traders, as well as their everyday experience of the City's management of street trading, I experienced this impasse first hand.

Scholars are steadily developing a body of analysis out of this impasse, although, until now, it has largely been understood through legal analysis (see Pieterse 2017) and the politics and contestations of informal trader organisations (see Bénit-Gbaffou 2016). The everyday practices<sup>3</sup> involved in Johannesburg's street traders' work

---

<sup>3</sup> Some clarification is necessary at this point. I speak to the 'everyday practices' of street traders at some length during this dissertation. These should not be mistaken for general social, familial, economic, political or geographical accounts of the lives of street traders. This dissertation by no means presents their complex everyday realities. What I mean by the 'everyday practices' of street traders refers instead to the world they experience uniquely *as street traders*; that is, Johannesburg's street economy, and their places of work in it.



remain largely understudied. The gaps in our understanding are both quantitative and qualitative. The former can be said of the informal sector generally, with important statistics difficult to measure (see Devey *et al* 2006), while little documentation exists of the histories, experiences, aspirations, and motivations of Johannesburg's street traders making a living either beyond the purview of large scale bureaucracies, or in the context of intermittent relations with them. And yet, as I argue here, the everyday practices of street traders and personal experiences of City bureaucrats should be central to understanding the responses of street traders to Operation Clean Sweep, and the impasse which has ensued. Such responses include mutual sharing and aid between neighbour street traders, also referred to in the anthropological literature as reciprocity (see for example Sahlins (1972)) and mutuality (see for example Krige (2014)), and the management of visibility, in order to conserve participation in that reciprocity. As I will show in this dissertation, and following Hart (2015b), these are but two important principles, among a plurality, organising economic life in Johannesburg's street economy in response to public bureaucracies.

The relationship between street traders Tshepo and Lawrence, for example, extended well beyond friendly football banter or their designated trading spaces' shared boundary. As I will show, they relied on one another in a complex management of the visibility of their incomes in order to maintain the delicate networks of street traders of which they were a part. Making a living in Johannesburg's street economy without access to these networks amongst traders can be extremely challenging. As I show in Chapter 8, such networks are maintained through mundane acts of reciprocity for the purposes of making business more effective, but also often evolve into more institutionalised expressions of reciprocity, like *stokvels*; small-scale rotating savings and credit associations which have been described as "the most familiar, wide-spread and popular 'economic' associations found in Black Johannesburg" (Krige 2011: 228).

It must be stressed, however, that the economic conditions which characterise street trade in Johannesburg, as in many parts of the world (see, for example, Vargas (2016) on street traders Bogotá, or Mpofu (2014) on their Zimbabwean counterparts) are difficult. This corresponds to yet differs from the general precarity of informal wage

workers in South Africa. Formal workers enjoy significant advantages over informal workers with regard to having permanent relationships with their employer, access to a written contract, pension and retirement funds, paid leave and union membership, and informal workers have typically changed jobs more recently than their formal counterparts (Devey et al 2006: 314).

Despite an overhaul of labour legislation after 1994 and numerous government-led initiatives to expand access to decent employment, unemployment in South Africa has increased since the end of apartheid. In the second quarter of 2017 it was at a fourteen-year high of 36.5% of the expanded labour force (StatSA 2017a). Poverty has risen since 2011 for the first time in the democratic period, and more than one in every two South Africans is now poor by government's already conservative estimates (StatsSA 2017b). All the while, informal employment is growing at a faster rate than employment in the formal sector (StatsSA 2017a). In this context, streets continue to be important sites for the generation and sustainability of livelihoods. Street trade supports thousands of poor families and, as a result, is crucial for the state's developmental objectives. Indeed, recent figures suggest that an informal sector job reduces poverty about as much as a formal sector job (Cichello & Rogan 2017). Furthermore, a disproportionately high number of women work or are employed as street traders.

## **1.1 Research *problématique***

This dissertation comes at a unique period in the history of the relationship between Johannesburg street traders and their local municipal government. The City's management of informal trade is now bound by an order of the Constitutional Court,<sup>4</sup> compelling it to engage with informal traders regarding its management plans and decisions going forward, so as to avoid the kinds of indiscriminate exclusion that characterised Operation Clean Sweep. According to the Court,

---

<sup>4</sup> *South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association v City of Johannesburg and Others* [2014] ZACC 8.

“The City readily conceded, correctly so, in its papers and during the hearing before this Court that it had not met the prescripts of the statutory provision. The decision to relocate the traders appears flawed” (South African National Traders Retail Association v City of Johannesburg and Others [2014] ZACC 8: 15).

Among the statutory provisions which the City failed to comply with included its obligation to consider whether it could achieve its goals through “more effective supervision or control” of street trading, “including negotiations with any person carrying on in that area the business of street vendor, pedlar or hawker or their representatives,” and whether Operation Clean Sweep would “drive out of business a substantial number of street vendors, pedlars or hawkers” (Section 6A of Businesses Act 71 of 1991).

Since August 2016, the City is also under new administration, and is not governed by the African National Congress (ANC) for the first time since South Africa’s transition in 1994. The emerging literature on this period is decidedly bleak about the prospects it might hold for the emergence of increased unity and power among organised street traders, or for their more active participation in the governance decisions which concern their livelihoods. The intention of this dissertation, then, is to address the question of what Operation Clean Sweep and its aftermath reveal about the relationship between Johannesburg street traders and the local state.

Pieterse has concluded that the “resort to litigation may counterproductively impact on the future relationships between parties in situations... where they continue to interact with one another above and beyond the terms of an individual court order” (2017: 22). Bénit-Gbaffou has gone further, into horizontal relations amongst Johannesburg street trader organisations, to suggest that “Operation Clean Sweep, instead of fostering unity among trader organisations against the municipality, has entrenched deep divisions and resentment, difficult to overcome in the post-operation politics” (2016: 1124).

Both street traders and the City are now navigating a litigiously imposed impasse. In the wake of the Constitutional Court’s judgment in *SAITF*, the new City

administration seems intent on achieving similar goals to those that spurred on the previous administration during Clean Sweep, albeit through formal legal and more arduous avenues. Further, the City is under new administration since the Democratic Alliance (DA) succeeded in ousting the ANC from power in South Africa's commercial capital for the first time in tightly contested local government elections in August 2016 which saw the ruling party lose unprecedented ground in major metros around the country (Burke 2016, Onishi 2016). While the ANC received 6% more of votes in Johannesburg than the DA and maintain a plurality, a dramatic drop of 15% in support since the previous local government elections in 2011 saw the party dip below the majority required to win the city council outright. This made the Economic Freedom Fighters (EFF), contesting elections at the municipal level for the first time, kingmakers in a hung municipality. As it did in the other two major metropolitan municipalities where it was in a similar position, Tshwane and Nelson Mandela Bay, the EFF threw its council seats behind the DA, forming a minority government with the businessman Herman Mashaba as its mayor.<sup>5</sup>

The relationship between the City and street traders is in uncharted waters in many respects. Street traders continue to struggle for economic inclusion, which at times was restricted by the previous ANC city administration, despite being touted as a progressive local government at the time, championing such inclusive urban agendas as the 'Corridors of Freedom' project. The new administration is tainted by the exclusionary history of the DA's governance of Cape Town since 2000; its only other experience of running a major metro. It will, however, be anxious to consolidate its unexpected electoral gains, part of which may demand better engagement with those who make a living in the informal sector than its predecessor managed. For one thing, its litigious heritage from the ANC administration includes, amongst a host of other

---

<sup>5</sup> During the first year of his term, Mashaba came under fire for labelling foreign nationals living unlawfully in the country as "criminals" who were "messing up" Johannesburg (Whittles 2017); cutting an ANC large scale job creation programme (ANA 2017); for suggesting a "shock and awe" approach to occupied inner city buildings, based on U.S. military tactics (Sguazzin & Mkoeli 2017); and for blaming human rights organisations for perpetuating slum conditions in Johannesburg inner-city buildings (Wilson 2016).

liabilities, the possible pay out of R120 million<sup>6</sup> in civil claims stemming from Clean Sweep (SERI 2016).

This dissertation, true to the reflexive scientific model I have adopted, is “not directed at establishing a definitive ‘truth’ about an external world”, but rather has two aims directed at the improvement of existing understandings (Burawoy 1998: 28). Firstly, I seek to address gaps in research which have been identified elsewhere (see Skinner 2008a: 29), and particularly what Bénit-Gbaffou (2015: 15) described as “a paucity of documenting, formalizing, and analysis of practices of street trading management across the world”. Litigation strategies, and the legally prompted reforms of working conditions and access to city space they often seek to achieve, require further exploration but do not fit the scope of this dissertations.

Secondly, by presenting an ethnographic account of informal trade on the streets of Johannesburg’s inner city and its relationship to the bureaucracy of the local government that manages it, I hope to contribute to a developing understanding of how formal bureaucracy works in people’s lives, and what social forms have emerged to organise the informal economy. As such this dissertation is situated within the academic questions and debates that emerge from within the literature knows as the ‘human economy’ (Hart 2004: 14).

In this first section, I place street trade in Johannesburg’s inner city, and in particular the 2013 ‘clean-up’ operation, Operation Clean Sweep, in context. The street economy in Johannesburg is hectic and vast, and street traders’ relationships with the City of Johannesburg are equally convoluted. Locating the reader in the social practices I explore in this dissertation is crucial. In order to do so I describe what constitutes Johannesburg’s ‘street economy’ when compared to the broader informal sector of which it is a part.

I then set out the general reflexive scientific model, and particular extended case study method, in which I have grounded this dissertation and which informed my

---

<sup>6</sup> At the time of writing this dissertation USD1 = R12.98.

fieldwork, and consider the implications of my particular position for this method. My relationships with street traders, and my doing work in Johannesburg's inner city, was largely a result of my being employed as a researcher for a legal NGO working with informal trade organisations during the period of this research.

I set out the theory with which I have kept my data in conversation in Chapter 2. In particular, I discuss literature concerned with the 'informal sector' and the 'state', which broadly speak to the two parties involved in the impasse with which this dissertation is concerned. Informal street traders have largely been understood through the lens of the informal sector, in which their participation has been described in a spectrum ranging from that of small-scale entrepreneurs to that of petty commodity producers. The City of Johannesburg which has a "developmental duty" to promote the economic development of its citizens (Chapter 7 of the Constitution of the Republic of South Africa), and is also legislatively mandated with managing street traders' economic activity, a task which is often contradictory to its developmental duties (Bénit-Gbaffou 2015: 26), is the local iteration of the state with which street traders' interact, and which constitutes the major intervention of formal bureaucracy into their economic lives.

Following the extended case study method, a series of extensions became necessary (Burawoy 1997; 1998). I begin the first of these – the extension of my observations over time – in Chapter 3 by providing a brief historical account of the relationship between the City and street traders. Operation Clean Sweep was only the latest manifestation of this long and contested relationship, and positioning my account of it historically became crucial as a result.

In Chapter 4, I begin to reveal some of the dimensions of this relationship in the aftermath of Clean Sweep by describing two of the main kinds of interaction between the City and street traders. This constitutes an extension of microprocesses to macroforces – an investigation of what the interactions between people tell us about broader processes. I describe Clean Sweep in some detail, showing that it was one among many examples of City 'raids' on street traders and arguing that it was a manifestation of an official and influential understanding of street trade as

fundamentally transient. I also profile how the banality and minutiae of various formal meetings between City bureaucrats and street traders are revealing of general trends in the City's approach to informality in the inner city.

In Chapters 5, 6 and 7, I extend myself from observer to participant, recording the micro social processes and everyday practices which were revealed during my intrusion into Johannesburg's street economy. Chapter 5 brings attention to the multiple experiences of the street economy through accounts of the histories, perspectives and motivations of two street traders actively involved in engagements with the City on behalf of members of an informal trade organisation. Chapter 6 considers how the state understands 'the street', and account for the machinations underlying its engagements and interventions with street traders. This includes an attempt to 'people' the bureaucracy by foregrounding the experiences, insights and motivations of City bureaucrats themselves. Finally, Chapter 7 reveals some of the everyday practices and social forms which have come to constitute Johannesburg's 'street economy'. They have developed in a general absence of effective management by the state and include practices of reciprocity intimately shaped by the street economy, and the careful management of the visibility of economic success, which often threatens the survival of reciprocity among street traders, and therefore the survival of informal businesses themselves.

These sections shed light on aspects of the relationship between the City and street traders until now largely absent in the literature on Johannesburg street trade. I suggest that systems in what are often understood as unordered 'informal' contexts, and deeply personal and contingent aspects of the City's formal bureaucracy, are central to understanding this relationship.

I conclude the dissertation with the final of these extensions, which is the most hesitant of the four and concerns the contribution of this dissertation to existing understandings, or the *extension of theory*. I argue that while the City of Johannesburg has attempted to render street traders legible (Scott 1998) in order to impose modernist schemes on the inner city, legibility is not achieved through the

conventional devices of documentation and enumeration, but instead through the development of a grammar of aesthetics (Ghertner 2011).

## 1.2 Johannesburg's street economy: Street trade in context

*The city is the site where people of all sorts and classes mingle, however reluctantly and agonistically, to produce a common if perpetually changing and transitory life.*

(Harvey 2013: 67)

As the main arrival point from the rest of the continent, and as the economic heart of a South Africa in which vast sections of the population have little prospect of employment,<sup>7</sup> Johannesburg has developed a thriving informal sector. Nowhere is

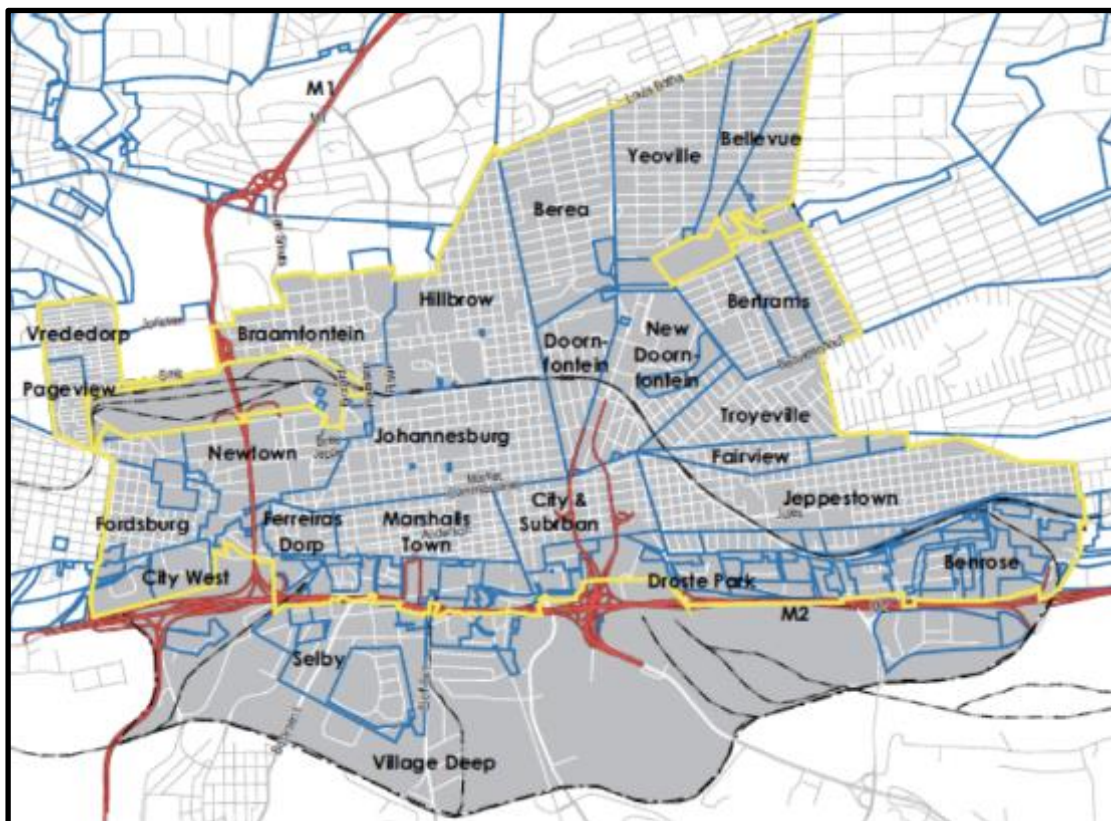


Figure 2. Johannesburg inner city. Source: City of Johannesburg.

<sup>7</sup> Not only were unemployment levels at a fourteen-year high in the second quarter of 2017 (36.5%), but an increasing proportion of the unemployed are now in long-term unemployment, meaning they have been without work for longer than a year (StatsSA 2017a).



this sector more visible than on the streets of the inner city (see Figure 2), where a wide range of affordable goods are sold, from *muti*<sup>8</sup> to make-up, from pirated Nollywood films to fresh fruit and vegetables, from lengths of Mozambican fabric to Nike sneakers, and where most of the inner city eats daily, at Pakistani tea houses, Ethiopian coffee houses and South African *chisa nyama*<sup>9</sup> stalls. The Park Station precinct is the inner city’s most significant multimodal transport interchange. Thousands of people use it every day to access trains, taxis and buses that will take them elsewhere in the city, province, country and region (Dinath 2014: 237), guaranteeing high levels of pedestrian footfall, and therefore customers, for the street traders who make a living in the precinct and the inner city more broadly (see Figure 3 for a rough geographical representation of the distribution of street trading in the inner city). In recent fictional accounts of Johannesburg, the inner city has “figured as the partial and now patchy inventory of the old apartheid city and as the revised inventory of a largely black, highly tensile, intra-African multiculture” (Nuttall 2014: 744).

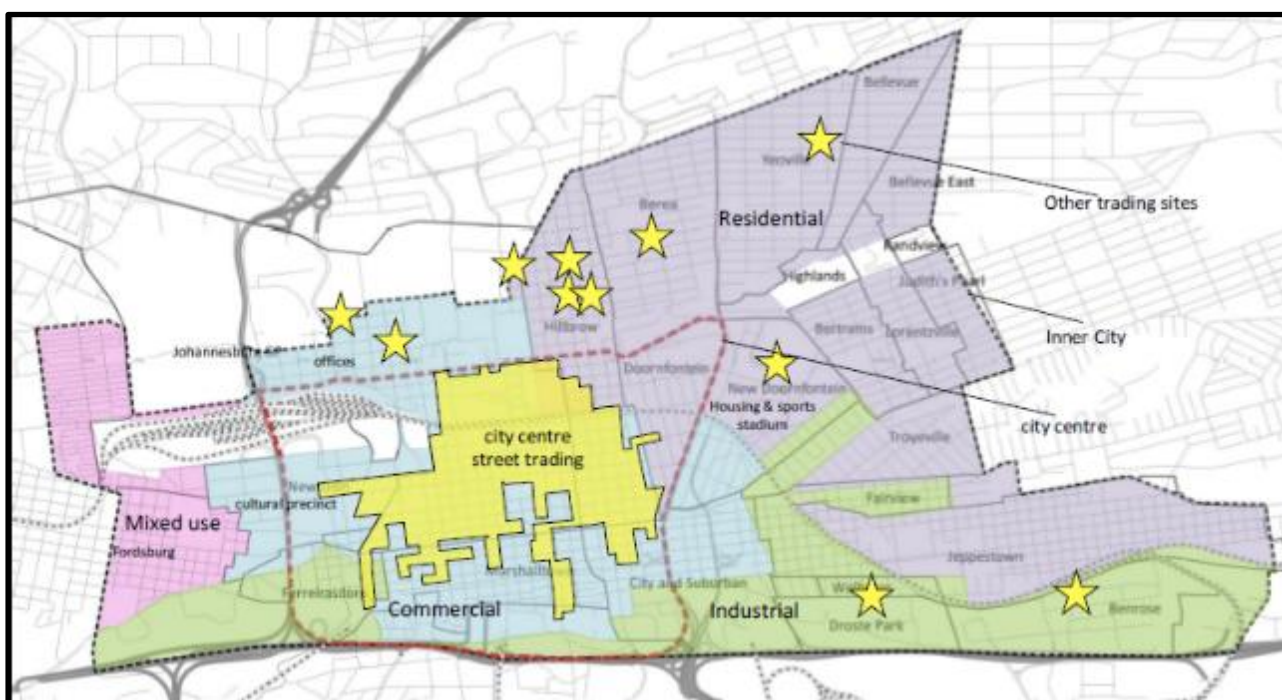


Figure 3. Distribution of street trading in Johannesburg’s inner city. Source: Pernegger (2016).

<sup>8</sup> Traditional medicine.

<sup>9</sup> Literally “hot meat”.

On emerging from the south entrance of Park Station after bus rides into Braamfontein during the course of my fieldwork, and walking through the commotion of the terminus above the busy train tracks running underneath, I would usually pass below a bronze bust decorating an otherwise straightforward grey wall of the train station. The bust, originally made by Dutch-born sculptor Anton Van Wouw, who both admired and identified with the Boer ‘nation’ at the turn of the twentieth century, symbolised the change in the “inventory” of the inner city discussed by Nuttall. One of the many relics hidden in plain sight in the inner city, it was a testament to a not-so-distant past when Johannesburg was firmly in the grip of the aspirations of white South Africa. Dirtied by decades of weather, the bust is now a shadow of its former glory. But glory was indeed the subject of the bust. It told the story, from right to left and across the length of a few metres, of conquest in South Africa. The first figures, clad only in loin cloths and skins, wander tentatively, bows, arrows and spears in hand, toward a thicket. On the other side of the thicket, they encounter moustached explorers, peering out from beneath wide brimmed hats. After learning of the wondrous technologies brought by these strangers, the native figures abandon their traditional implements, and take to labouring alongside the white men sitting on proud horses. From there the bust lunges headlong into the progress to urbanisation and modernity. The final sequence, in contrast to the humble beginnings of this tale in bronze, sees a splendid steam engine chugging out of a city. Despite the white streaks of pigeon shit which now run across the bust, its vision was unmistakable: the natural telos of the ‘civilising presence’ of white settlers in South Africa was one of modernity wherein the rugged land, and its native population, would be lifted from their simplicity and into a future of progress.

Underneath the bust, however, is now a short row of plastic chairs with pieces of cardboard propped up alongside them advertising some of the latest gents’ hairstyles. Skilled barbers, who power their electronic razors on beaten-up generators and batteries, wait languidly beside their respective chairs trying to attract customers coming and going from the train station. These barbers, along with the thousands of other, majority black and multi-national, street traders one encounters on the sidewalks after leaving Park Station and walking into the noisy and busy inner city, disrupt the urban visions imagined in the bronze bust. These were the visions of neat

social and urban divisions which underpinned the colonial and apartheid projects in the urban context, and used the “cultural Puritanism of apartheid sanctioned categories” (Krige 2012: 28) to destroy urban spaces which fostered cosmopolitanism, like Sophiatown in Johannesburg (Lodge 1981). Order and simplicity – heavily imposed under apartheid but lost to the cosmopolitan and often chaotic milieu of democratic South African cities – were imposed in cities throughout the twentieth century to make manifest the powerful and pervasive modern state (see Scott’s discussion of various administrative capitals (1998: 145-146)). Similar visions still inform a sense of longing among middle-class city residents across South Africa for an ordered city lost to the uncertainties of democratic South Africa. Popke & Ballard discuss how the prevalence of street traders have engendered shame and embarrassment over the loss of order in Durban’s inner city, what they call “spatial melancholia” (2004: 104). Nevin has argued that the development of the Maboneng Precinct, an elite residential, commercial and retail enclave on the eastern edge of Johannesburg’s inner city, has provided an antidote for similar white middle class melancholia, or what she calls “nostalgia” (2014: 191).

Street traders in Johannesburg, as they are the world over today, are, among many other things, the variable content to the form of some commodity chains stretching from production by transnational corporations to eventual consumption in a city – “invisible actors” performing functions largely beyond the reach of bureaucracies (Hart 2015a: 8).

Globalisation, liberalisation, and urbanisation have been instrumental in the proliferation of informal urban micro-enterprises, to which some estimates have apportioned 70% of GDP and 80% of urban jobs in sub-Saharan Africa (Skinner 2008a). Urbanisation in South Africa shows no signs of slowing soon. The formal economy, which continues to lag behind those of other developing countries and is teetering on the edge of recession,<sup>10</sup> does not hold any immediate promise for the broad-based economic inclusion of the masses of people living in South Africa. Low

---

<sup>10</sup> Indeed, the South African economy was officially in recession during the last quarter of 2016 and the first quarter of 2017, before recovering and growing slightly again in the second quarter of 2017 (StatsSA 2017c).

entry barriers in cities and low set-up costs mean that many people opt for street trade as a means of making a living. High levels of internal migration in Africa, often due to violence or political crises, and the preservation of available jobs for citizens over foreign nationals, also mean that foreign migrants resort to trade on the street. The experience of making a living in the street economy is, however, by no means homogenous. As I discuss Chapter 7, street traders' experiences of engagements with City officials are heavily reliant on their ability to render themselves 'legible' to those officials, either through performances of legality or the possession of administrative texts.

Tayamya Tadoss, for instance, a 35-year-old Ethiopian who has lived in South Africa for the past 10 years under asylum, works at his wife's stall in the Kerk Street linear market. Tayamya's wife and sister-in-law arrived as asylum-seekers seven years before him to set up their new home and took advantage of the low entry barriers and set-up costs on the streets of Johannesburg's inner city to begin their shoe-selling business. Tayamya's wife obtained a 'smart card', issued to her by the Metropolitan Trading Company (MTC), after presenting her asylum papers. During a restructuring in the City in 2001, which included the establishment of the Johannesburg Development Agency (JDA), the MTC was established with a mandate to oversee the management of all informal trading and taxi ranks (Béni-Gbaffou *et al* 2012: 15). As a result, it was tasked with operationalising smart cards, a one-stop "tool for the administration, management and law enforcement of informal trading", which contains a street traders biographical information, as well as information "on where the informal trader has been allocated space to trade within the City and how much rental they are required to pay" in order to "verify the issuing of licenses, permits and permissions that a particular informal trader has applied for and obtained" (City of Johannesburg 2009: 12). (See Figure X for an example of a smart card.) Canie Mpofu, a 33-year-old unregistered Zimbabwean trader, has had an entirely different experience of making a living in the inner city as a foreign migrant. Without the tenure security enjoyed by registered traders, Canie sells pirated CDs and DVDs of mostly continental music and films at various locations around the inner city. He has done so for the past 10 years. Having failed to acquire asylum or refugee status in the country, he has conducted his trade constantly on the run from the JMPD who

regularly confiscate his stock. Tayama and Canie show, in very general terms, that street traders are implicated in the bureaucratic mechanisms of the local state to varying degrees, or not at all. Their implication in these mechanisms has equally varying consequences for their experience of making a living in the street economy. This is contrary to sweeping suggestions that the informal economy takes place entirely beyond the purview of bureaucracy, state or otherwise.

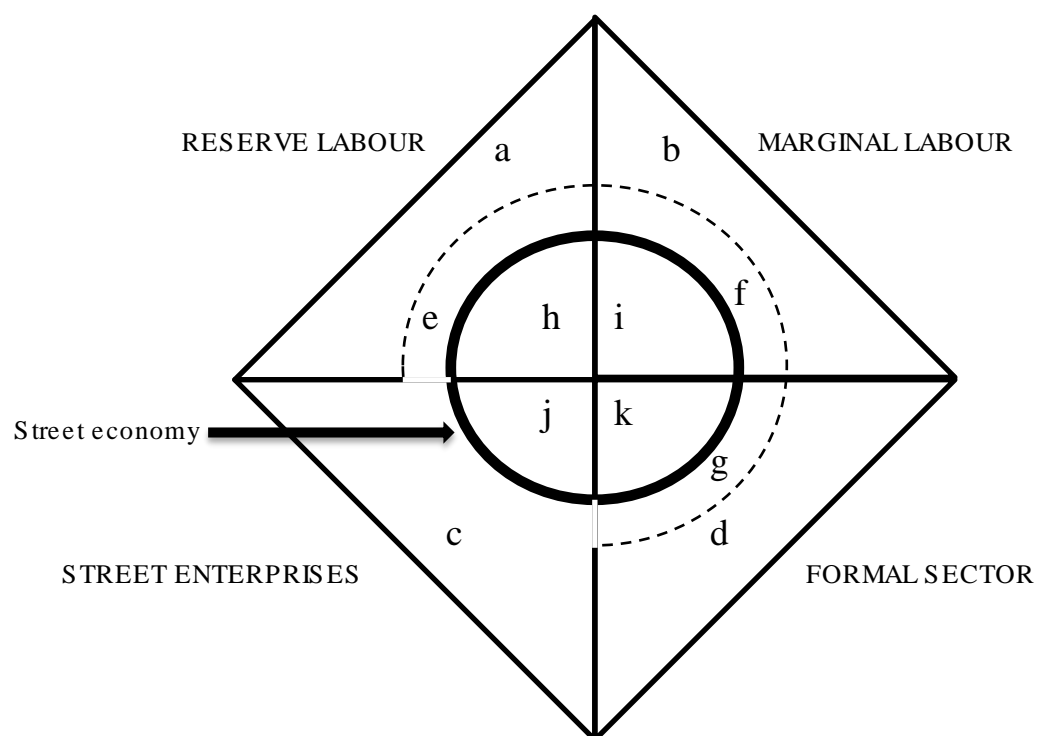
The ‘informal sector’ has bearing on a range of developmental questions. For instance, in the work of Hernando de Soto (2001), which has been heavily influential among housing policy-makers in many developing countries, the ‘informal sector’ was eventually used to transmute emancipatory movements concerned with squatter rights and dweller control of the housing process into a language of privatisation (Peattie 1987: 856). I am limiting my inquiry to informal *economic* activity, and am concerned in particular with what I call Johannesburg’s ‘street economy’, an important component of the city’s broader ‘informal sector’. In the following section, I profile the street economy in greater detail.

### **1.2.1 Locating the ‘street economy’**

Discussing Johannesburg’s ‘street economy’ is an effort to avoid the way in which the ‘informal sector’ has come to disguise heterogeneity in types of business, employment relations, and economic potential, as well as “the moral or normative dimensions of such money flows” (Krige 2011:1). When used as analytical terms, ‘formality’ and ‘informality’ often conceal diverse and transitional forms and activities that play out in the elaborate economic continuum whose polar ends they constitute. The attempt to avoid this concealment is not a novel one, and is already included in some of the anthropological literature on Johannesburg. Krige (2011), for instance, has described and analysed the flows of monies between actors and institutions, and their social meanings, in the “popular economies” of Soweto and Black Johannesburg.

Figure 4 draws on an approach utilised by Nicoli Natrass to ‘locate’ the informal sector in 1980s Transkei (1987: 862). It should be said at the outset that this model

has inherent limitations. The tremendous fluidity and complexity that characterise the economic lives of street traders, and indeed of people in Johannesburg more broadly, cannot be compartmentalised as easily as this illustration suggests. As a result, I do not put it towards any of the analytical ends of this dissertation. Nevertheless, Johannesburg's inner city is nothing if not hectic. It is important to acquaint the reader as clearly as possible with the components of the inner city with which I am



**Figure 4. Locating the Johannesburg 'street economy'.**

concerned in this dissertation, namely the 'street economy'. As anyone who has walked through the inner city will know, it is not immediately obvious exactly what delineates this street economy, and who takes part in it. As a result, this model serves an *illustrative* purpose. Without any claim to analytical accuracy, it generalises and oversimplifies in order to distil some of the key actors in the street economy, their activities, and how the street economy relates to other parts of Johannesburg's economy.

Figure 4 is comprised of four adjacent triangles, which stand for the ‘reserve labour’, the ‘marginal labour’, ‘street enterprises’ and the ‘formal sector’ in Johannesburg’s economy. The solid circle that divides all four triangles in the centre represents what I have called the city’s ‘street economy’. The dashed circle that divides the ‘reserve labour’, ‘marginal labour’ and ‘formal sector’ triangles, but includes the ‘street businesses’ triangle, represents the ‘informal economy’.

The reader will notice that the dashed-line circle does not divide the ‘street enterprises’ triangle. This is because all street enterprises, as I define them here, operate within the informal economy. Further, the solid ‘street economy’ circle is a smaller circle within the dashed-line ‘informal economy’ circle. This is because the street economy is one geographical component of a broader informal economy in Johannesburg. The informal economy permeates the entire city. From beggars outside of shopping malls, waste-reclaimers trekking rubbish through the suburbs, motorists paying bribes to traffic police, or illicit business deals being done on the fairways of various golf courses, informality reaches all economic corners. Even Keith Hart, who initially coined the ‘informal sector’, has recently observed how the informal economy has “taken over the world” (2015a).

The ‘reserve labour’ triangle in Figure 4 comprises people who would qualify for and take a formal sector job were further job creation to be brought on by “some macroeconomic expansion” (Natrass 1987: 862). This triangle has three sub-sections. Sub-section *a* consists of people who are not currently productively engaged but are full-time job seekers. Sub-section *e* consists of people who could obtain a formal sector job, but have turned to the informal sector as a last and temporary resort after having failed to find a formal sector job. And sub-section *h* consists of people who have sought this resort on the streets of Johannesburg’s inner city. They have turned to the street economy as an alternative to the formal public and private sectors, which have failed to provide employment. These street traders usually make their living from the pavements. They are mostly registered as street traders with the City. Some of them remain unregistered, however, usually due to failed applications to the JPC.

The ‘marginal labour’ triangle comprises people not part of reserve labour as I have defined it above – people on the extreme periphery of Johannesburg’s economy. Without skills and experience, they “have little hope of ever being employed in the formal sector” (*Ibid.*). They usually have very little social or institutional capital to draw on, having no official documentation, or having lost or been turned away by their families. They are often migrants, both from within and beyond South Africa’s borders, or refugees living in Johannesburg. Sub-section *b* here consists of those people living in extremely desperate economic conditions and relying heavily on the assistance or goodwill of others to get by. People who have turned to the informal sector to eke out a living are represented in sub-section *f*, and those who have turned to the street economy in particular in sub-section *i*. They are almost always unregistered traders, either because they do not possess the necessary documentation to register with the JPC, they do not have the necessary social connections to obtain a trading site via unsanctioned channels, or because they cannot afford the monthly rental. They usually trade in small, cheap goods, such as stationary and sweets, to facilitate quick getaways from JMPD officials if needs be, and so that if their goods are confiscated they can survive the loss.

The ‘street enterprises’ triangle represents people who have turned to the informal sector to make a living by choice, or have been convinced by theirs, or others’, successes while forming part of ‘reserve’ or ‘marginal’ labour as they are defined above. They have committed themselves to making a living informally. Sub-section *j* in this case stands for people who have made this commitment in the street economy in particular. This can be compared, for instance, to people who begin informal *spaza* shops from their homes, often in inner city neighbourhoods like Yeoville or Berea, who would fall under sub-section *c* in Figure 4 above. While they may have committed to making a living in the informal economy, they do not participate in the *street economy*.

People represented by sub-section *j* are almost always registered street traders who often trade from linear markets, where the infrastructure is better, although many also trade from the sidewalks. Often these street traders have been plying their trade for a long time. The ‘street enterprises’ triangle, or anything similar, was absent in



Natrass' original conceptualisation. This is either because she tended to a Marxist reading of the informal sector, which saw those making a living in it as a fundamentally exploited population in waiting for the decent work that would necessarily result from industrialisation; or because her account focused on the rural Transkei, where the economy was too depressed to allow for informal entrepreneurs in the same way as Johannesburg's street economy does. Compartmentalising economies at the time was also a great deal easier due to influx control and the heavy policing of both national and 'Bantustan' borders making urbanisation a difficult strategy. Since the end of apartheid there is a great deal more economic fluidity and mobility: goods and people move across the region with more ease.

Finally section *g* of the formal sector triangle stands for those working in the informal sector who supplement their incomes with work in the formal sector, and section *k* represents street traders in particular who supplement their incomes in the formal economy.

### **1.3 Writing the Impasse: Research methodology**

My point of departure were the streets of Johannesburg's inner city, and the manifold businesses that rely on them, but my destination had a wider focus: seeking to understand the local state and economy in which these streets and businesses are embedded and through which they are rearranged. Mine was not a study that could be achieved through simply approaching street traders or City officials. The former are usually very busy during the day, and, as I would learn, when students conduct research on street traders in Johannesburg, representatives of various informal trader organisations often carefully curate their research to ensure the exposure of important issues for that organisation. Interviews with City officials from the outside are also often unhelpful as decisions and decision-makers are often protected by layers of public relations, or simply impossible to access. This was especially true because the impasse between street traders and the City in which I was interested was deeply litigious.

Instead, I turned to my new job as a researcher at the Socio-Economic Rights Institute of South Africa (SERI), where I was leading the work on street trade. SERI represented SAITF in its much-publicised victory over the City in the Constitutional Court, South Africa's apex court. In the aftermath of the litigation, SAITF had instructed SERI to undertake research into the realities of the management of street trade (see Webster 2015), which was later used in engagements with the City, and particularly to advocate for ending police harassment of street traders, the delivery of services and infrastructure to street traders, and a turn away from a by-law enforcement focus and towards effective urban management instead.

There are inherent limitations to conducting academic research from this position as a researcher employed by a donor-funded NGO. It means, for one, that my analysis is based on evidence taken from a context of imperfect knowledge. Information about the City and how it works, particularly with regard to informal trade, is difficult to come by for a researcher working at an organisation responsible for high-profile litigation against the City. This challenge extended beyond researchers associated with SERI in the aftermath of Clean Sweep, however. Claire B nit-Gbaffou, who has been engaged with street traders in a research capacity for an extended period of time and is an academic based at the University of the Witwatersrand, has noted that, "It was important in that period for the City to present a united front, that unfortunately tended to be on the side of a restrictive if not repressive approach to street trading, broadly following the spirit, if not the format, of the Operation" (2015: 17).

It was here, working at an organisation that had incontrovertibly intervened in the politics of street trading in Johannesburg, and in particular into the relationship between street traders and the City administration, where I was able to conduct participant observation. Not as a participant in the street economy itself, save for the purchases I made during my fieldwork, but as an active participant in the unfolding impasse between street traders and the City. My account of Johannesburg's street economy itself then is not a reflexive one wherein I "read the city from *within* and *with* a certain poetic sensibility". Rather, it is a kind of "spectral analysis", which "contemplates the rhythms of the city from a more detached vantage point" (Nuttall 2004: 742-43).

The portrait I provide of Johannesburg’s street economy, as a result, is not of the sort of ethnography recently described by Matthew Desmond in his widely acclaimed study of evictions in Milwaukee. Desmond suggests that ethnography comes from “following [the people you want to know better] over a long stretch of time, observing and experiencing what they do, working and playing alongside them, and recording as much action and interaction as you can until you begin to move like they move, talk like they talk, think like they think and feel something like they feel” (2016: 318). This approach to ethnography is, of course, not new to anthropology, and similar descriptions are abundant in the literature. Peacock, for instance, suggests that the ethnographer necessarily “develops some degree of identity with the new



**Figure 5. Traders and their customers surround bins of second-hand clothing for sale. Photograph by the author.**

culture and group, more often than not coming to think of them as ‘his [sic] people’” (2001:70).

The reflexive components of this dissertation are instead grounded in the active part I played in the *politics* of Johannesburg informal trading as an employee of an organisation involved in the engagements between the City and street traders in the aftermath of Operation Clean Sweep, or what I am calling here the impasse between the City and street traders. It is a reflexivity I have attempted to put to positive use by recognising my own position in this field. While this is an effort to objectify my relation to street traders and the politics of Johannesburg’s informal trading sector, relations of dominance are nevertheless “always there to render our knowledge partial” (Burawoy 1998: 23). The inclusion of myself as a SERI employee does, however, draw attention to the historic specificity of the impasse between the City and street traders, which is the object of my study, and, as a result, to how the relationship between the two is never a static one and is always historically produced.

This dissertation is grounded in Burawoy’s reflexive scientific model of science (1997; 1998), which “collects multiple readings of a single case and aggregates them into social process” and insists “on studying the everyday world from its structuration, that is by regarding it as simultaneously shaped by and shaping an external field of forces” (1998: 15).

The situation on which I focus is the single case of Operation Clean Sweep, from which I look to move to the process of the management of street trade in the inner city and the relationship between the City and street traders. I look to uncover how the everyday practices of street traders shape this process, and are in turn shaped by it, by extending the Clean Sweep case study across time, tracing what preceded and followed it, and to lay bare different readings of it. This is an attempt to theorise an aspect of the city – Johannesburg – by “working out what remains of the past, and how we relate to both the past and its remainders, or its traces in the present” (Nuttall 2004: 732) and by taking “cognisance of the shifting parameters of the present” while interrogating “the archive of the past” (2004: 747).

Burawoy’s reflexive model has as its method, in much the same way that the positivist scientific model has the survey, the extended case study. This method, which has some notable pioneers among architects of the social sciences (Weber 1958) and social anthropology more particularly (Gluckman 1940), is, according to Burawoy, built around four key extensive principles: *intervention* – the extension of the observer to the participant; *process* – the extension of observations over space and time; *structuration* – the extension of microprocesses to macroforces; and *reconstruction* – the extension of theory (1997: 17; 1998: 16-22). In the context of this dissertation, using this approach meant an interrogation of my understanding of Operation Clean Sweep (Webster 2015; 2017b) in light of what has been said about Operation Clean Sweep by other observers (such as Rogerson (2015), Pernegger (2016), Bénit-Gbaffou, C *et al* (2014), Bénit-Gbaffou, C (2016) and Pieterse (2017)), by the City (Office of the MMC (2012)), and by street traders themselves.

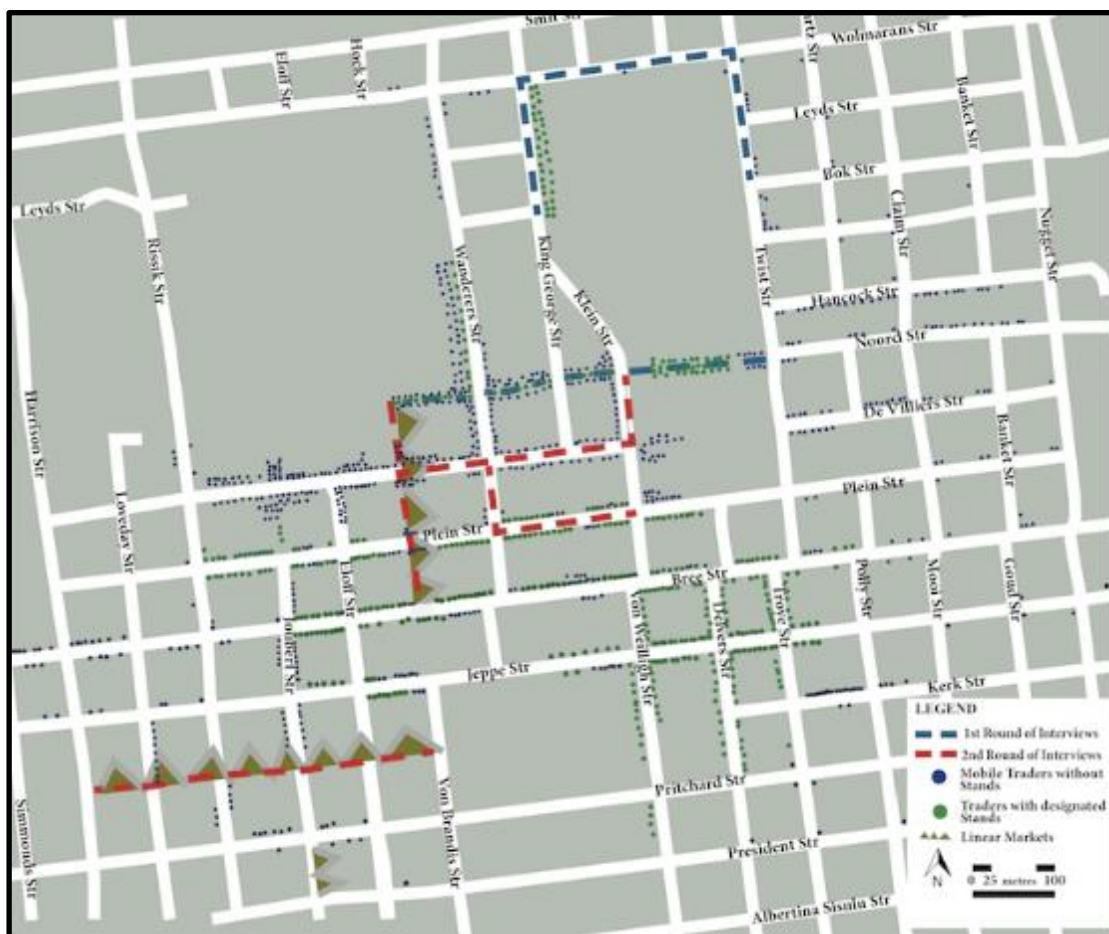


Figure 6. Locating the SERI fieldwork. Source: Webster 2015.

As a result, I begin in the everyday practices with which this dissertation is concerned, and to which I was first introduced, along with a small team of law student fieldworkers, during the SERI research, which was comprised of two series of qualitative interviews (see Figure 6 for an illustration of where these interviews were conducted). The transforming of street traders' everyday locations into scenes of ethnographer–informant dialogue, “an activity that would otherwise not be occurring there” (Sanjek 2010: 248), consequently happened earlier in my research than it should have. Beholden as I was to both SAITF and SERI's programmes of work, this was unavoidable.

The street traders I spoke to were predominantly engaged in small-scale distribution of goods and services – petty traders, street hawkers, caterers in food and drink – and some secondary activities like tailoring and shoe mending. Johannesburg's street economy, much less the informal economy at large, is comprised of these and a host of other activities, both legal and illegal (see for example Hart 1973: 69). Street traders had experienced abusive treatment at the hands of the JMPD during Operation Clean Sweep, most of which received little attention in the local and national media (see Tolsi and Nxumalo (2013) and Nxumalo (2013) for notable exceptions). They also expressed frustration at the management of informal trade and at the reluctance on the part of the City to include the experiences of traders in any meaningful way in their engagements with them.

I spoke to street traders at their places of work. Sitting me down on chairs, on sidewalks or makeshift stools, under gazebos and sometimes zinc shelters, they told me about where they come from and where they live, how much they earn in a month and how many people depend on that income. I also spoke with them about the histories of their businesses, how they came about their stalls, how they access basic services and infrastructure, and how the levels of access to services and infrastructure they enjoy affects their business. I spoke at length with traders about their experiences of different bureaucratic apparatus related to the management of trade – whether or not they had smart cards and lease agreements, how they knew to get one, what their experience of applying for one was, what they understood its purpose to be, and what they used the documents for in practice. As part of these discussions on

traders' experiences of the management of informal trade, we spoke about their relationships and encounters with the different institutions that are responsible for that management, specifically the City, the JPC<sup>11</sup> and the JMPD.

I conducted interviews along Noord, Wolmarans, King George and Twist streets, where rickety gazebos have come to stand for stall shelter, and goods as divergent as local football regalia, pirated Nollywood movies and stationary are sold alongside stalls mending shoes or offering various mobile phone services.

I interviewed traders in the Kerk and Hoek Street linear markets. Boxes and trays of fresh fruit take up the Kerk Street linear market's western end, and neatly assembled vegetable pyramids are arranged with the cardboard placards that draw attention to their prices. Towards the eastern end, stores selling trainers and tracksuits, or jewellery, hats and make-up, begin to dominate. In the Hoek Street linear market, on the other hand, which has been specifically designated for sellers of hot-food, the infrastructure at the linear market is more robust. The gas cookers and hot oil necessary for these businesses, as well as the waste they generate, represent unique health and safety concerns. As a result, low walls have been erected between the different businesses in the linear market, as have working surfaces and washing areas. Many Park Station commuters, for instance, enjoy their daily meals together with other inner city pedestrians at the Hoek Street linear market. Flanked on the one end by second hand shoe stores and jewellery and cell phone shops, and on the other by wholesale vegetable vendors, a collection of hot food stalls run mostly by elderly women takes up most of the linear market. Selling the staple of brisket, chicken, *pap*, and vegetables, with the odd offering of fish, these women are in most cases experienced traders, having sold hot food at other locations before being informed by the City that hot-food stalls would be grouped nearer together, or before having

---

<sup>11</sup> In 2012, the market management functions of the MTC were absorbed into the JPC. MTC had been a stand-alone entity established at the turn of the millennium to manage market and taxi rank facilities, and to oversee their development facilitation, marketing and business development. Taxi associations effectively crippled the entity after withholding rents on numerous occasions in the mid-2000s due to frustrations concerning the management of facilities. MTC lurched forward financially until the eventual restructuring (Pernegger 2016).

provided other services to Johannesburg pedestrians, such as hairstyling and the sale of hair extensions and hair products. The businesses run by these women are well established, and all include a staff of at least three – often-younger family members – who take orders, seat customers, clean dishes and tables, and cook the food.

I spoke to street traders who were trading at semi-privately managed locations, where the City either shares management responsibilities with private companies, or has given it over to them entirely. The Central Johannesburg Partnership (CJP) – a collaboration between the City and formal businesses – has steadily established these city improvement districts (CIDs) since the 1997 passing of the Gauteng Provincial Government City Improvement District Act, largely modeling them on business improvement districts (BIDS) promulgated in the early years of Rudy Giuliani’s first term as the mayor of New York City. Bénit-Gbaffou has called CIDs an expression of “neoliberalising governance of contemporary cities” (2016: 1124). These areas were quieter and cleaner, and were not characterised by the density that had animated the previous interviews – there was no need to raise my voice over the



**Figure 7. Hot food stalls on Hoek Street. Photograph by the author.**

usual pedestrian traffic, and stalls were arranged with ample space between them on the sidewalk.



I also spoke with traders who were not registered with the City for various reasons, whose goods are often displayed on hessian sheets. Our research team was often mistaken for City officials, most probably because of the clipboards we carried, at which point the purpose of these sheets was quickly demonstrated. Unregistered traders would nimbly grab the four corners of their hessian sheets, lifting them into makeshift satchels containing their goods which they would sling over their shoulders and disappear into the furor of pedestrians on the streets around us.

Although located relatively near to each other, all of these different sites of trade are remarkably different in terms of existing infrastructure, rental agreements, models of trading, regulation, goods traded, and storage agreements.

My relationships with street traders in Johannesburg survived the culmination of the SERI research, however. This was necessary in order to unpack the “situational experiences” to which I had been exposed during the SERI interviews “by moving through their space and time” (Burawoy 1998: 14). I did so both virtually, by engaging in a historical interpretation of Operation Clean Sweep, and physically by continuing to spend time in the inner city, hanging out with some of the street traders I had already met. Living near to the inner city made this relatively easy to do, and a morning spent discussing football in between customers, or a meal during lunchtime at the stall of a trader I knew, was only ever a short bus ride away.

In this way, my fieldwork turned the process of doing ethnography (see Sanjek 2010: 247-48) on its head. The restrictions of my position as a SERI researcher, working on SAITF’s instructions, meant that my first set of data was a collection of transcribed interviews. Only later would I conduct the “situated listening” (Sanjek 2010: 247) on street traders turf that would allow them control of topicality, which usually constitutes the *beginning* of the ethnographic process. It was the latter parts of my fieldwork that were inversely characterised by engagements with street traders on their terms and turf.

## **Chapter 2. LITERATURE REVIEW**

*Like a forest, a human community is surely far too complicated and variable to easily yield its secrets to bureaucratic formulae.*

(Scott 1998: 22)

### **2.1 The informal sector and informal economy**

The concept of the ‘informal sector’ has been contested since its inception. Bromley has described the literature which has arisen on the informal sector as “diverse and inconsistent” (1978a: 1037). One of the most regular criticisms which have been levelled against the term suggest that it is insufficiently dynamic to animate the vast array of economic activity which might be considered ‘informal’. Keith Hart, who first coined the term in the early 1970s, himself has recently reached similar conclusions regarding the conceptual limitations of the ‘informal economy’ (Hart 2015a). Indeed, when in South African public administration discourse ‘informal economy’ can simultaneously refer to “black market”, “clandestine activities”, “community of the poor”, “family-enterprise sector”, “non-westernized sector”, “people’s economy”, or “unrecorded economic activities” (Van Rooyen & Antonites 2007), the efficacy of the term must be scrutinised.

After his fieldwork on the outskirts of Accra in the 1960s, Hart suggested that poor people in the city were not ‘unemployed’ (1973). Instead, he described the casual, erratic and self-employed earnings he saw every day in the slum outskirts of the city, and distinguished them from wage employment. This distinction was a matter of their exposure to regulation, instead of identifying them with a place or people. Following Weber, he argued that returns from economic activity were more calculable if that activity was stabilised in a bureaucratic form, such as state laws.

The vogue which the term has since enjoyed is due in part to the enthusiasm with which the International Labour Organisation (ILO), the United Nations (UN) agency dealing directly with labour related issues, took it up. This enthusiasm has been

explained by the fact that the idea of the informal sector offered the possibility of helping the poor without any major threat to the rich (Bromley 1978a: 1036; Skinner 2008: 3). Third world economies that had largely failed to mechanise and industrialise remained reliant on agriculture and public bureaucracies and were put under strain by rapid urbanisation and widening gaps between the rich and poor. The new city-dwellers who had failed to find work were characterised as “unemployed” (Hart 2006).

Hart’s work showed, however, that the unemployed in Accra were not a passive majority, and that “wage incomes are only part of the urban opportunity structure” and “despite the paucity of formal employment opportunities and the low ceiling to wage remunerations, the migrant could look to the prospect of accumulation, with or without a job, in the informal economy of the urban slums” (1973: 88). Within a year of Hart presenting his findings at a conference on ‘Urban Unemployment in Africa’ in Sussex, the ILO released its Kenya Report, which characterised informal economic activities by “ease of entry; reliance on indigenous resources; family ownership of enterprises; small scale of operations; labour intensive and adapted technology; skill acquired outside of the formal school system and unregulated and competitive markets” (1972: 6). The ILO report changed the concept substantially. Hart had used it to describe a set of activities among the urban poor, who might also benefit from wage work and transfers, and also regularly put other political economy terminology to use in his analysis – “petty capitalism” and “sub-proletariat” (1973) are examples. In the ILO’s hands, the ‘informal sector’ “became a way of describing the structure of the economy as a whole in the terminology of economic planners” (Peattie 1987: 854).

The ILO report took the terms ‘informal’ and ‘formal’, which had circulated in the anthropological literature in the 1960s, into the realm of development studies and, shortly thereafter, into the political arena when it was debated in the Kenyan Parliament. Some early critics of the term argued that had it been “presented at a different place and a different time, it might well have sunk without a trace” (Bromley 1978a: 1036), suggesting that Hart’s work benefited from the springboard of a major conference and publications well-known in Europe and North America.

Another major point of contention with the dualism, which resulted from the informal sector concept, concerned the complex linkages between the two sectors. Neo-Marxists at the time argued that “clarification as to whether the linkages are benign or exploitative is essential in order to assess whether petty commodity production is tolerated by or functional to, the capitalist system” (Moser 1978: 1041). Neo-Marxist critiques levelled against the informal sector broadly saw the informal sector as petty commodity production. As a part of the capitalist mode of production, it played a crucial role in maintaining low levels of subsistence and low cost of labour reproduction. Writing in this tradition, Bromley (1978a) identified nine deficiencies with the informal/formal classification, ranging from it being “logically inconsistent”, to the terminology contributing to false assumptions that the two sectors are independent of each other, to depictions of the informal sector as having a present but no future, to the tendencies to view the informal sector as exclusively urban and to consider the urban informal sector and the urban poor to be synonymous. He suggests that the “intellectual validity” of the concept was “secondary to its policy implications”, however, and that it represented another stage on which topical 1970s policy debates<sup>12</sup> were played out and was adopted because it embodied “convenient policy implications” (1978a: 1036-37).

Peattie went so far as to suggest that a definitional approach is not the way to enter the “utterly fuzzy” concept of the informal sector, and that it should rather be treated as “an item in the history and sociology of ideas” (1987: 851).

Nevertheless, the concept has maintained currency both in the academic literature and policy debates. Chen’s more recent and expansive definition, which was endorsed by the ILO and has gained a great deal of traction, sought to reflect the conditions of the working poor and the whole of informality as it is found in developing and transitional economies:

“Broadly defined, the informal economy includes the *self-employed in informal enterprises* (i.e. small and unregulated) as well as the *wage employed in informal jobs* (i.e. unregulated and

---

<sup>12</sup> The policy discussions at the time included ‘Redistribution with Growth’, the ‘New International Economic Order’, ‘the Urban Crisis’ and ‘Reaching the Poorest of the Poor’ (Bromley 1978a: 1037).

unprotected) in both urban and rural areas. So defined, informal labour markets encompass *rural self-employment*, both agricultural and non-agricultural; *urban self-employment* in manufacturing, trade and services; and various forms of *informal wage employment* (including day labourers in construction and agriculture, industrial outworkers, and more)” (Chen 2008: 19)

Data on the extent and character of the informal sector in South Africa has been “variable and unreliable” (Devey *et al* 2006: 320). A comparatively new Statistics South Africa (Stats SA) measurement, first through the October Household Surveys (OHS) and then the quarterly Labour Force Survey (LFS), data on the South African informal sector has presented numerous challenges. The transition between the two surveys, the refining of the LFS questions, and some of the LFS’s design limitations are examples. The LFS is designed to only measure a person’s “main job”, for instance, overlooking the implications of people working more than one job, including cases where one job is informal and the other formal. Furthermore, parts of the survey are addressed only to employees, despite 62% of informal workers being own-account workers (Devey *et al* 2006: 313).

Inconsistencies in the measurements of informal work also remain mystifying. In February 2001, for instance, the LFS reported a dramatic rise in informal employment, which peaked at 2.6 million. By September that year, the LFS reported a drop to 1.8 million, consistent with previous survey data (Devey *et al* 2006). The exceptional statistics measured in 2001 may be a reflection of the low entry and exit barriers to informal work, although it is unlikely. They may reflect that data on the informal sector was captured more effectively during February 2001, and that these results are more reflective than they are outliers. Or it may reflect that the sector was over-sampled during this particular survey, as fieldworkers had been incentivised for the first time to survey informal workers.

Understandings of informality are increasingly linked to state practices. As Ana Maria Vargas (2016: 7) has noted in the context of Bogotá, for instance, “although street vendors work outside the law, they do not operate in a state of chaos or anarchy. Quite the opposite, law and other forms of social control are present in their work”. Ananya Roy (2005) is perhaps the most notable theorist in this regard. Roy

suggests that informality is “an idiom of urbanisation” for the state. The state attempts to order people’s practices by setting boundaries between what are proper (legal) and what are improper or *informal* (conflicting with what is defined as legal) conducts (2005), and thereby govern with uncertainty, flexibility, spatial inequality and capital accumulation in urban areas of the global South. In a recent ethnographic account of a migrant street trader in Tshwane’s experiences of law and legality, Schraten uncovers some of the fine grain features of the uncertainty which often governs engagements between representatives state and street traders. He suggests that the law is often not complex enough to govern the social conditions and obstacles faced by ordinary people. This echoes some earlier observations regarding the devices and processes of state governance. Scott, for example, argued, “no administrative system is capable of representing any existing social community except through a heroic and greatly schematized process of abstraction and simplification” (1998: 22). As a result, when ordinary people are forced into engagements with representatives of the state that are governed by recourse to law, the interactions are stripped of the “social facts of their context and meaning.” And so “the relation between law and legal situations is constructed by the actors” and “its outcome is contingent” (Schraten 2013: 114). Those with more power most often manipulate these social spaces, left undefined as a result of the limits of law. Schraten’s key contribution in the context of understanding informality as a form of governance is that the inherent limitations in law – a key device for Roy in the state’s designation of what forms of informality are allowed and which aren’t – mean that the differences between individuals in social and political power are determining factors in the production of legality.

### **2.3 The state and bureaucracy**

My predisposition when I began this dissertation, which to a certain degree remains, was largely Weberian in that it was partisan to a strong state. In the South African context, I felt, this was necessary to intervene in sectors of society which have, for the most part, remained inaccessible for the majority of people living in the country, namely, the economy and property regimes. This pro-state inclination was further entrenched during my work for SERI, which largely advocated for more

rigorous and beneficial local state interventions into the spatial and economic determinants of street traders' livelihoods. To temper this predisposition, I engaged literature that is fundamentally suspicious of the state and of bureaucracy (Graeber (2015), for instance).

David Graeber has recently published a book that deals in large part with bureaucracy. In it, he suggests there has been a waning in an agreement that seemed certain between the 1950s and 1973 that "the foibles and absurdities of bureaucratic life and bureaucratic procedures [are] one of the defining features of modern existence" (2015: 3). Graeber argues that the separation of public and private bureaucracies is now relegated to history, and that we have entered an age of "total bureaucratisation" marked by "the gradual fusion of public and private power into a single entity, rife with rules and regulations whose ultimate purpose is to extract wealth in the form of profits" (2015: 17-8).

Considering anthropologists' preoccupations with gestures which are socially efficacious, however, and that in most societies today paperwork is more socially efficacious than other forms of ritual (Graeber 2012: 108), the ethnographic literature on bureaucracy is comparatively sparse. Anthropologists have addressed rituals surrounding marriage and death, for instance, at length, but we have dedicated few chapters to the paperwork on which they rest. Herzfeld suggests this is a result of anthropology's tendency to focus on the exotic and remarkable (1992: 45). Among the recent literature dealing explicitly with bureaucracy are Michael Hull's work on paperwork as ritual wherein bureaucratic documents are not discussed as instruments of bureaucratic organisations, but rather "are constitutive of bureaucratic rules, ideologies, knowledge, practices, subjectivities, objects, outcomes, and even the organisations themselves" (2012: 253). In *Red Tape*, which deals with Indian bureaucracies' failure to lessen poverty, Akhil Gupta argues that bureaucratic action repeatedly and systematically produces arbitrary outcomes in its provision of care. He goes on to replace the notion that bureaucracies represent the rationalisation of power in a disciplinary society with a very different picture, suggesting rather that bureaucracies should be theorised as processes "shot through with contingency and barely contained chaos" (2012: 14). The best-known anthropological text concerning

bureaucracy in my reading, however, is Michael Herzfeld's *The Social Reproduction of Indifference* (1992). Based on his fieldwork in Greece, Herzfeld addresses the inconsistency between the complex and ambivalent character of Mediterranean hospitality toward strangers and those forms of exclusion and inclusion of outsiders, and the responses to them, involved in bureaucratic relations. He does so through an account of the various ways in which Greek people explain their frustrations and dissatisfactions with bureaucratic organisations, which he groups under a kind of 'secular theodicy' that is able to deal with the injustice of the systems. Were Herzfeld's approach applied to understanding the relationships between street traders and the City of Johannesburg, it would imply analysis not of process and action, but rather cultural analysis, placing the metaphors and tropes that traders use to talk about the City administration at the heart of the enquiry.

David Graeber (2012) problematises Herzfeld's conceptualisation of bureaucracies on the grounds that it does not deal directly enough with the implications of ordinary people's *immersion* in bureaucracies. He suggests that, being concerned with cultural analysis, Herzfeld's approach avoids the truth of the nature of peoples' actions within a bureaucratic context – for Graeber, immersion in bureaucratic rules and codes can cause people to behave in ways which would be considered idiotic in other contexts – in favour of symbolic analyses of the way they explain bureaucracies. Graeber's central concern is to highlight the structural violence that underlies all bureaucracy. He recasts bureaucracies as “institutions involved in the allocation of resources within a system of property rights regulated and guaranteed by governments in a system that ultimately rests on the threat of force” (2012: 112). Graeber's position explicitly political. Writing from an expressly anarchist orientation, he is ultimately concerned with showing up the state, and he orientates selected findings around this concern. The evils of the state are then a primary category for him, and one that he uses to organise the cases which he uses as evidence, and which he suggests are typical.

What is common amongst the texts I have mentioned here is that they problematise the Weberian formal-analytical approach to theorising bureaucracy as the rationalisation of social and political control, which played a hegemonic role during



the 1950s and 60s in American social theory. Framed in “terms of the legal and rational accounting requirements of political and economic organisations” (O’Neill 1986: 42), Weber’s conceptualisation of bureaucratic forms of organisation is the pinnacle of impersonal rationality. It is for this inherent efficiency that Weber saw in bureaucracies the threat of an enveloping “iron cage”, wherein rational bureaucracy would supplant all other forms of organisation and leave humanity without any charisma (Weber 1958: 181). Nevertheless, Weber, an adherent of the strong state, featured the positive dimensions of the routine that resulted from bureaucratic rationalisation. Michel Foucault also conceived of bureaucratic process as something fundamentally rational. However the power exercised by such process was more sinister for Foucault, being diffuse and written into citizens at the most basic bodily level. His work featured the dehumanising and oppressive consequences of routine. Foucault fundamentally mistrusted and feared the state institutions through which bureaucratic rationalisation is exercised, such as prisons (Foucault 1977) and teaching hospitals (Foucault 1973).

Weber’s conceptualisation was later used for the training of bureaucrats under ‘rational choice theory’ (Graeber 2012: 111). It also provided legal domination with its air of administrative adequacy and rationality. While they differ in many of their conclusions, those contributing to the anthropological literature on bureaucracy are fairly unanimous in their dismissing of the supposed rationality that characterises bureaucratic forms of organisation in the Weberian model. Instances are Herzfeld’s observation that bureaucracies are no less prone to using symbolism than any other section of society, and Gupta’s refocusing of the theoretical lens to see an underlying chaos in bureaucracy.

The growing scholarly literature on bureaucracies in South Africa fits uncomfortably into this broader framework of contested theory and disparate ethnographic interpretations. Most commonly taking the form of policy analysis, and relying on quantitative forms of data (see for instance Chipkin 2008, Chipkin & Lipietz 2012, or Naidoo 2008), these accounts remain largely concerned with the comparative analysis between apartheid and post-apartheid public administration. There are limited qualitative approaches – Karl von Holdt’s work (see von Holdt (2010), for

instance) is a notable exception – to understanding bureaucracies. They are susceptible, however, to similar criticisms to the one that Graeber has leveled against Herzfeld. In their attempts to explain the failures of the post-apartheid bureaucracy, and suggest structural reforms that may address such failures, they do not consider any space for the people who experience these bureaucracies on a daily basis.

The lack of any substantive ethnography in the body of literature – coincidentally a weakness in Herzfeld's work as well – renders the scholarly understanding of bureaucracy in South Africa something explained through typologies, where structural rationales become inscribed on the people therein. Indeed, even von Holdt does nothing to address the discord between the ideal Weberian bureaucracy and the messier lived reality by suggesting that the failure in South Africa's current state bureaucracy is a question of its key features being *non-Weberian* (2010: 243), which in turn shape the inner workings of the bureaucracy. The dominant line taken with regards to bureaucracy in South Africa sees the post-apartheid state as a failed developmental state project, wherein inefficient forms of bureaucracy are key contributing factors to the failure. My experiences with officials from the City of Johannesburg directly involved in the management of street trade suggested that the way in which ordinary people experienced state bureaucracy was also contingent on antagonisms and contestations, at the both the *institutional level*, or what we might call the City of Johannesburg's 'vision' or 'project', and the *personal level*, where the motivations of bureaucrats themselves become a key site of analysis if we are to better understand the relationship between the City and street traders.

If Operation Clean Sweep is to serve as the locus for an extended case study through which this relationship can be revealed, as I have discussed in Chapter 1, it must be extended across space and time. In the next chapter, I begin to do so by providing the historical context in which this relationship continues to develop.

### **Chapter 3. FROM ‘BLACK PERIL’ TO CRIME AND GRIME: A BRIEF HISTORY OF STREET TRADE IN JOHANNESBURG**

*[People] make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past. The tradition of all dead generations weighs like a nightmare on the brains of the living.*

(Marx & De Leon 1898: 15)

Histories of South Africa’s cities have been criticised for focusing “almost exclusively upon themes of modernisation and on the actions of those individuals responsible for that ‘modernity’” (Beavon & Rogerson 1980: 15). Johannesburg is no exception, and the experiences of those making their living on the margins of the city’s mineshaft economy are largely excluded from its modernisation story. Street trading, however, has a long history in South African cities, and overwhelmingly black street traders were working on the sidewalks of Johannesburg almost since the town’s inception (*Ibid*: 17).

Severe opposition to the presence of black people in white cities for reasons other than the needs of whites and capital, and suppression, largely characterised the official approach toward informal entrepreneurs before and during apartheid, continuing the anti-informal sentiments of colonial urban planning traditions. Before the advent of apartheid, the local state in Durban felt that Indians who had turned to hawking after five mandatory years of indenture did not fit with “White ideas of a ‘civilised’ city. Instead, hawkers were “obstructing pedestrian and vehicular traffic and constituting a public health hazard” and “every effort was made to eliminate or restrict their activities” (Desai & Vahed 2007: 325). Bénéit-Gbaffou has argued that

“Since colonial times... municipalities have retained a tendency for repression of street trading. Repression or milder restriction of street trading... is the dominant approach at the local level, be it motivated by the modernist aspiration of Western cities, or by post-modern visions of

what ‘global cities’ should look like” (2015: 24).

Some important exceptions to this general trend – particularly the obscured results of legislation and the deregulation of street trading which began in the 1980s which I discuss below – highlight the importance of taking a historical perspective on street traders and local government. This perspective helps to avoid over-simple conclusions and reification of the macro forces which shape, and are shaped, by micro social processes (Burawoy 1997: 17), such as the everyday practices of street traders. Mapping the general trends in the relationship between street traders and the City, and bringing exceptional moments to light, draws attention to the fact that this relationship is always historically produced and situates the current impasse, in all of its particularity, in that production.

Unsurprisingly, the number of street traders in Johannesburg has swelled since 1994, and their relationship with the municipality has been complex and inconstant. Pernegger has recently characterised this relationship as “ongoing cycles and swings between antagonism and agonism” (2016: 196), culminating in the devastating Operation Clean Sweep in 2013. In the rest of this chapter, I trace the relationship between street traders and municipal authorities in broad strokes from the decades leading up to apartheid, through legislated apartheid, and into South Africa’s democratic period since 1994. I profile the continuities and discontinuities of the relationship so as to properly contextualise the post-Operation Clean Sweep impasse which constitutes the major focus of this dissertation.

### **3.1 Before 1994**

Johannesburg was an intentionally segregated city before the dawn of apartheid, and street trade was made nearly impossible for black people. City by-laws were promulgated, for instance, which required street traders to move their wares 25m every 20 minutes (Beavon 2004: 188). The 1913 Natives Land Act, the “first major item of racist legislation” (*Ibid*: 95) since the proclamation of the Union of South Africa in 1910, effectively restricted black people, 87% of the population at the time, to 13% of the land – the 9 million hectares designated as ‘Native Reserves’, and

later entrenched as ‘Bantustans’ under apartheid (*Ibid.*).

The Land Act would later be used as the blueprint for the 1923 Urban Areas Act, which abolished most freehold rights for black South Africans, legislated their non-permanence in urban areas proclaimed as white, and placed severe restrictions on the nature and location of commercial activity (Tissington 2009: 25). One of the earliest ideological underpinnings of the Urban Areas Act was the apparent ‘Black-Peril’, a racist trope whose origins can be traced to Johannesburg in the 1890s and which centered on a belief held by many white urbanites that white women were not safe around black men. Some decades later, this fear had buttressed enough to influence the drafting of the Urban Areas Act (Beavon 2004: 96). Similar tropes about the vulnerability of white women in the face of brutal non-white men had already been used to prop up restrictive legislation at the local level. In reaction to an alleged rape, authorities in Durban and Maritzburg established a precursor to the apartheid-era Pass Laws when they implemented a “system of registration of Natives, or persons belonging to uncivilized races” (Martens quoted in Desai & Vahed 2007: 335), in which people were required to wear an identifying badge, known colloquially as the ‘dog badge’.

The Urban Areas Act severely limited the economic opportunities for black people in cities, and largely restricted them to impoverished ‘locations’. Among the punitive measures included in the Urban Areas Act, however, was that black people could be sent to the ‘Native Reserves’ or work colonies if they were not earning an ‘honest livelihood’ or were unemployed. Because hawking was an occupation included in the 1923 Act, “many black people turned to hawking and informal trading” (Beavon 2004: 188).

A restricted zone in Johannesburg’s inner city was established around the same time, which also saw white mineworkers during the 1922 miner’s strike knit the broader calls for geographic segregation into their principal demand for labour segregation, and the run up to a pivotal general election won by a coalition of the National and Labour parties, campaigning under the banner of ‘White South Africa First’ (Beavon 2004: 97). A handful of black traders, who were licensed by the Council, were allowed access to this restricted area before 7am and after 6pm (*Ibid.*: 189). Licensed

traders operating outside this area were still required to adhere to the City's "move-on" regulations. Time restrictions of traders access by the local state in South Africa had been used as early as 1910 when, at the Early Morning market in Durban, Indian hawkers who had not left the street by 9am were "hosed by a fire engine" (Desai & Vahed: 326).

Apartheid legislation made the regulation of street trade even more repressive, closing loopholes in the often-contradictory 'native' policies that preceded it (Skinner 2008b). Apartheid urban planning also sought to "limit the spaces of engagement between cities white and non-white [sic] residents" in order to "circumscribe the nature of cross-cultural engagement" (Popke & Ballard 2004: 99). The explicit territorial and residential segregation at the heart of these policies and legislation worked to "spatially delimit the nature of identity, drawing ever tighter the boundaries separating self [white] from other [black]" (*Ibid.*).

The informal economy grew steadily throughout the "hidden spaces" of all South Africa's urban areas during this time (Rogerson 2000: 676). In Johannesburg the numbers of people trading informally on the streets grew, the operations of illegal beer brewers and alcohol sellers were consistently expanding, and the informal transport of workers back and forth from the townships where they lived to the inner city areas where they worked became typical. From the City's early years already, street traders had claimed and generated an income in the "high pedestrian flows in the heart of the city" (Beavon 2004: 187-188).

Johannesburg's inner city during the height of apartheid was largely restricted to white commercial and residential use, however. Rogerson and Hart argue that street traders were subject to a "well entrenched tradition of repression, persecution and prosecution" (1989: 32) until the early 1980s thanks to some of the most sophisticated sets of anti-street trader measures by urban governments anywhere in the developing world.

The repression of informal livelihoods of earlier apartheid<sup>13</sup> gave way to the deregulation of the 1980s, however. Urban governments began to adopt a more moderate approach to informal traders, which Beavon suggests “was designed more to meet the requirements of the hidden agenda of reform, namely that reform be shown to be taking place, rather than actually to help those in dire straits” (2004: 210). Tissington has argued that the South African government, faced with increasing urbanisation and realising the persistence of informal livelihoods, “hoped that deregulation would promote an emerging black entrepreneurial class, which would act as a buffer between the state and the black majority, create socio-economic divisions within black society and dilute the appeal of radical agendas” (2009: 26). Pernegger, on the other hand, suggests that the deregulation in the 1980s was more a reflection of the apartheid national government’s growing affinity for the “new concern for the liberalisation of the global economy” (2016: 169) brought about by the Ronald Reagan and Margaret Thatcher-inspired neoliberalism.

Be it as it may, in 1979, 200 to 250 traders were operating on the margins of the inner city and at the few stands within it. By 1988, however, 7 000 trading licences had been issued, and by the end of the decade around 14 000 legal street traders were working in the city (Beavon 2004: 211). In the complicated lead up to the 1994 constitutional settlement, influx controls were slowly lifted, and in 1991 the Group Areas Act, the acme of the modernist apartheid spatial planning machinery which had banished blacks to former homelands and urban peripheries, was repealed. As more black people were allowed to make a living and move in to Johannesburg’s inner city, taking residence in areas like Hillbrow and Berea, so capital and the former exclusively white population left the inner city, most often for northern areas like Rosebank and Sandton. The 1991 Businesses Act, further amended in 1993 and 1995, relaxed the control of informal trading, doing away with restrictive by-laws and curtailing municipalities’ abilities to license informal traders. A “key measure for deregulating business activities, removing barriers to the operation of informal activities” (Tissington 2009: 12), the Act was widely criticised by local governments,

---

<sup>13</sup> Under the Licensing and Business Hours Ordinance 11 of 1973, for instance, informal traders were allowed to operate in certain areas of the city, but only at certain times provided they paid a levy to the city council (Karumbidza 2011).

grappling with the demands of vast restructuring together with the management of newly extricated urban spaces and the vast populations now free to live and work in them.

### **3.2 After 1994**

In Durban, for instance, a discussion document was circulated following the 1994 elections and the consolidation of 48 local government structures into a metropolitan government (Grest 2000). The document expressed a general concern with the unforeseen consequences of deregulation. It included a robust critique of the Businesses Act, which saw the deregulation of the governance of the informal sector as subordinating the municipality's rights to those of traders. The municipality was of the opinion that much of the management of informal trade was shifted away from the function of administrative law and into the ambit of criminal law with the removal of the licensing function. It feared an administrative collapse and high crime rates as a result. The negative consequences of the Act which the municipality listed included "the *de facto* ceding of open public space to traders", which would complicate future development initiatives, the stigmatisation of regulators and governance, and "the opening up of space for the spread of informal regulation through protection rackets aimed at formal traders" (Grest 2000: 5).

In 1995, the White Paper on small businesses, produced by the national Department of Trade and Industry (DTI 1995), which intended to promote support and inclusion of informal entrepreneurs, further reduced the checks on street traders' abilities to make a living. The White Paper included national objectives for informal enterprises in the post-apartheid Small, Medium and Micro-sized Enterprises (SMMEs) economy in South Africa. These objectives were both general, such as "to create an enabling environment" for policy frameworks, and specifically: "to facilitate the greater equalisation of income, wealth and economic opportunities", strengthening "the labor-absorptive process in the micro-enterprise and survivalist segments", and redressing "discrimination with respect to blacks as well as women's access to economic opportunities and the facilitation of growth in black and small enterprises in rural areas". The White Paper further sought to create long-term jobs and to



stimulate economic growth through removing the obstacles and constraints that prevent SMMEs from contributing to overall growth. It also sought to strengthen the cohesion between SMMEs, and to level the playing field between large enterprises and SMMEs and between rural and urban businesses and enhance the capacity of small businesses to comply with the challenges of an internationally competitive economy (Rogerson 2000: 684-685). Street traders have typically been shut out of programmes designed to assist SMMEs, however, which tended to focus on developing business linkages with larger firms and enterprises, most often building contractors, manufacturers, service providers (security, cleaning), and export-import operations.

The easing of restrictions and the advent of a more inclusive constitutional framework<sup>14</sup> after 1994 in a context of inherited poverty and joblessness saw informal livelihoods swell, and at least 1.2 million people out of Gauteng's total 1998 population of 7.5 million were active in the informal economy (Rogerson 2000: 676). Recent figures suggest that street trade is responsible for as much as 15% of urban employment in South Africa (ILO 2014), concentrated in the major urban areas and townships.

As a result, “the spatial divisions by which [white] identity and [black] alterity were historically managed” (Popke & Ballard 2004: 99) in South Africa's cities have dissolved at a rapid pace. The economic opportunities for black people, and other previously excluded groups, presented by an inner city recently vacated as a result of “white flight” are now well documented (see for instance Beavon 2004 and Rogerson 2015).

Johannesburg's inner city is no longer the major source of rates-based revenue for the municipality it once was, and has simultaneously become “a political symbol of a government struggling with its new responsibilities” (Dinath 2014: 236-237). The City of Johannesburg is now caught in a balancing act between “accommodating

---

<sup>14</sup> Section 22 of South Africa's Constitution, for instance, states, “Every citizen has the right to choose their trade, occupation or profession freely.”

transience and building for permanence,” and the challenges of the inner city in particular have, especially after apartheid, manifested as a “tussle between forces of fixity and flux, and between influx and flight” (Dinath 2014: 236). Middle-class opposition across South Africa’s major cities to the occupation of public space as an aspect of informal livelihood strategies has also hardened, and gone hand-in-hand with an ‘othering’ of the poor vendors who occupy it (see Popke and Ballard (2004) for a discussion on Durban).

The City of Johannesburg’s approach to informal trade has not always reflected comparatively progressive national government perspectives concerning the need for an inclusive informal economy – an antagonism that can be broadly traced across municipalities after 1994 (Rogerson 2015: 3). There are some notable exceptions to this acrimony at the local level. Durban, and the work done at Warwick Junction, is the most notable among these (see Skinner 2008b). The City council made clear as recently as 2014 that the local government antagonism which greeted the Businesses Act in the early 1990s was alive and well in Johannesburg:

“While the requirements set out in the Business Act may by far be administratively cumbersome and possibly inconvenient, it is important to note that the Act makes no provision for an exemption there from or alternative for another, less cumbersome procedure to be followed” (City of Johannesburg 2014: 32.9).

The Johannesburg Informal Trading Policy also maintains regressive components. It spells out that future spatial development should “focus on the gradual development of *aesthetically inferior* [my emphasis]” (COJ 2009: 10) informal trading spaces. The 2007 Inner City Regeneration Charter further identifies the inability to address problems “that give rise to *grimy and disorderly urban spaces* [my emphasis]” as a key issue in the city. The same charter groups the poor management of street trading together with littering and illegal dumping of waste under the concern of ‘waste management’. These policy concerns with the aesthetics of public space were echoed in the eventual proposals for Operation Clean Sweep, which sought to “finally change the face and aesthetics of the Inner City for the better” (Office of the MMC 2012: 1).

### 3.3 Operation Clean Sweep

A development planning report was published on 26 October 2012 by the office of the Member of the Mayoral Committee (MMC) responsible for Development Planning and Region F and discussed at the City’s Mayoral Lekgotla, under the ANC mayor Councillor Parks Tau. The report was titled ‘Report on the Status of the Inner City (Region F) and the Proposed Initiative and Programme to Address Current Challenges’ (Office of the MMC 2012), and had the “strategic thrust” of “a well-governed, managed and liveable City of Johannesburg” (*Ibid*: 1).

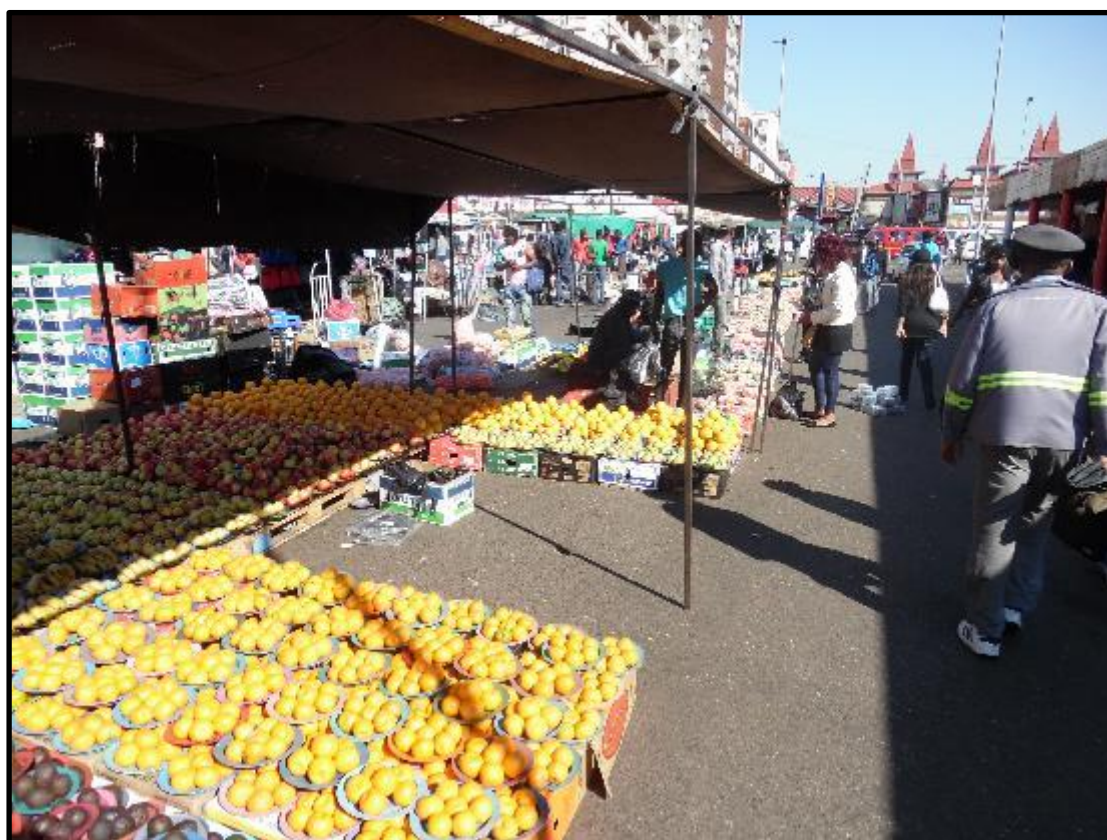


Figure 8. Fruit stall in the former Noord Street market. Photograph by the author.

A brief discussion of this report is instructive, as in it are buried the first seeds which would eventually mature into Operation Clean Sweep. The report was born of a series of visits to the inner city by MMCs of various City departments, which had been conducted in “response to complaints from pedestrians, formal businesses and other members of the public in the Inner City” (Pernegger 2016: 194). The MMC,

“mov[ing] forward into the new financial year, armed with business plans and a forward looking approach” sought to embark on a strategy to “combat lawlessness, educate and collaborate with... citizens and finally change the face and aesthetics of the Inner City for the better” (Office of the MMC 2012: 1). The strategy, dubbed the “Mayoral Clean Sweep” drew on a ‘three-legged pot principle’, bizarrely because the three-legged pot is “an easily recognisable symbol in Africa”, but more substantially because the pot can only stand with the support of all three legs, or in the parlance of the City’s approach, “take away an essential element of a process and it will fail” (*Ibid*: 3).

The three legs of the City’s approach – educate, enable and enforce – while seemingly well intentioned, had taken on sinister overtones by the time they were discussed at the Mayoral Lekgotla. The Office of the MMC understood the ‘enabling’ of the public who made use of the inner city as the establishment of a less cumbersome legal and policy framework, which would “make it easy for people to comply with the laws and regulations of the City of Joburg and the country” (*Ibid*: 4). The “onerous” laws and policies at the time apparently made it “much easier to break the law in their efforts to make a living” (*Ibid*). The MMC further suggested that the ‘education’ of the public as “the only way we are going to change the anti-social and illegal behaviour of large sections of the community”, and as a guard against that community “simply claim[ing] ignorance when challenged” (*Ibid*). Perversely echoing Jane Jacobs (1961), the MMC suggested that education should instead facilitate the “need” for the public in the inner city “to be our eyes and ears in their own neighbourhoods” (*Ibid*). After laws had been set up, awareness of them raised, and an enabling environment which made it easy for people to obey the laws had been fostered, the element was “one essential incentive – that of the punishment of lawbreakers”. The MMC suggested that if the “full backing of the state and its law enforcement agencies” were given to the challenges in the inner city, it would engender more responsible behaviour and instil “a culture of compliance or punishment” and decrease the burden on the state, “allowing it to spend its money and use its resources on more important issues” (*Ibid*: 4).

A punitive spirit ran throughout the initial plan for Operation Clean Sweep. It is worth quoting at length from the goals outlined for municipal courts to illustrate:

“[Municipal courts] can help in the fight against anti-social and illegal behaviours by processing prosecutions efficiently and demonstrating that the system of enforcement works. The main aim is to increase the number of prosecutions relating to contraventions, with the ultimate goal being to eventually yield lower numbers in future as our efforts succeed in effecting the necessary behaviour change in the citizens of our City” (*Ibid*: 6).

The MMC’s report initially had a wide ranging focus, and Operation Clean Sweep was intended to address a range of development issues in the inner city, including street trade, refuse collection, law reform, housing and municipal courts. These intentions were largely stillborn, however. When the City first operationalised them a year later, they were soon lambasted in a Constitutional Court judgment (Webster & de Vos 2017 forthcoming; Pieterse 2017), which set the current impasse in motion.

The City’s approach has seen space, the built environment, physical amenities, and the ability of private business to utilise them effectively redeveloped at the expense of people’s capacities and livelihoods. Similar approaches elsewhere in the global south have been called the “aestheticisation of poverty” (Roy 2004), and are an articulation of what Scott (1998) had earlier called “high modernism”: the search for rational order in aesthetic terms, the belief that an efficient city is one that looks regimented and orderly. More recently, Ghertner has called these “aesthetic mode[s] of governing” (Ghertner 2011: 280) – when urban legality is aesthetically determined. People and urban developments are sanctioned by the state according to whether or not they appear planned and neat.

The City’s approach, both preceding (see, for example, Lipietz (2008)) and during Clean Sweep, was further informed by a concession to formal businesses and property owners, equating urban upgrading to aesthetic improvement rather than the improvement of livelihoods (Webster 2015). Property values have become fundamentally susceptible to aesthetics (Ghertner 2011). Furthermore, aesthetics are an “externality” (Harvey 2009: 64-68) to the property market. Externalities like aesthetics undermine the suggestion that the property market is “free” in any sense.

They are price determining features which “constantly hover... over the land and property market” (2009: 64-65) but are not aspects of that market, and are indeed often subject to determination by elite class interests. Elite private interests, like property developers, enjoy a monopoly on the determination of what is aesthetically acceptable in the urban context (Ghertner 2011), and this in turn results in “a pricing system which will tend to yield external benefits to the rich and impose external costs of the poor and politically weak” (Harvey 2009: 67). The direct and controlled impact of aesthetics on prices in the property market means that City’s concession translates into economic benefits for the propertied class interests in Johannesburg’s inner city. Instances where these aesthetics come to determine the actions of the state, as it often has in the City of Johannesburg municipality’s development of the inner city in general, and explicitly during Operation Clean Sweep, represent the elevation of private, and usually propertied, concerns to the level of public concerns. In Chapter 6 I explore further what the City’s preoccupation with aesthetics reveals about the relationship between the state and street traders in Johannesburg.

Modernist concerns with aesthetics and order ran side by side with a strict informal/formal binary understanding of the economy in the City’s approach. By now a conceptual residue, this binary tends to produce the idea of ‘migration’ in policy: enabling environments must be fostered in order that the poor might help themselves to move out of the informal economy. On the one hand, this revelry in self-help delegates the responsibility of tackling poverty to the poor, and on the other muddies the function of the state, even rendering it unnecessary (Roy 2005: 148).

At the time of completing this dissertation, the City was in the process of drafting possible new policy for informal trade in Johannesburg. It is a contested arena, and the municipality will attempt to strike a balance between the poverty alleviating character of informal trade (Cichello & Rogan 2017), and the tension it presents with regard to the aesthetics that attract capital investment, which I discussed earlier. The City’s approach to inner city development, or regeneration, has for some time now been one of “cosying up... with private interests” (Lipietz 2004: 3). In 2003, then Johannesburg Mayor Amos Mosondo reported that the City administration’s strategy as regards the inner city was to ‘raise and sustain private investment leading to steady

rise in property values’ (City of Johannesburg Metropolitan Municipality 2003:84). More recently, the City has emphasised the central role that tax insentivised private investment in urban renewal projects in the inner city, such as the Maboneng Precinct, will play in achieving new mayor Herman Mashaba’s ambitious target of five percent growth for Johannesburg’s economy (City of Johannesburg 1 December 2016). Often this means opening the inner city to capital through an aesthetic remaking of the city via arts-led ‘revitalisation’ (see Nevin 2014). The informal trade policy process will be put under further strain by the necessary inclusion of trader organisations, emboldened by the Constitutional Court judgment and their lawyers.

In this section, I have extended Operation Clean Sweep, and the ensuing impasse, over time, tracing the lengthy relationship between street traders and the City administration, in its different guises, as well as the state generally, back towards the founding of Johannesburg. Once this extension has been made, some crucial lessons emerge for understanding the current impasse. There have been continuities and discontinuities in the relationship between the City administration and street traders, and the relationship is in no way constant or predictable. Street traders have amounted to “matter out of place” (Douglas 1966) in Johannesburg’s inner city at various points throughout the past century, and their accordant displacement has been brought about through various mechanisms. One of the first official exclusions of street traders came in the form of national legislation, the 1923 Urban Land Act, which, influenced by white fears of ‘the black peril’ and the functional needs of racial capitalism, legislated black people out of urban spaces. Wide scale displacement of traders has been acted out on numerous occasions since then, and as recently as 2013, when a broad coalition of municipal departments and agencies removed street traders from the inner city, in partnership with private businesses, largely in pursuit of a certain urban aesthetic – that of a clean and orderly public environment. Black street traders were often infantilised and pathologised during these punitive and large-scale displacements.

Engagements and interactions between the City and street traders turn on more than displacement, however. In the next section, I profile some of the interactions I was

exposed to during the course of my research in order to introduce the diverse relational fabric in which engagements between the local state and street traders in Johannesburg should be located and analysed. I suggest that binary frameworks of informal/formal, citizen/state and private/public often disguise some of the complexities which characterise the ways in which people make a living in Johannesburg's street economy, before going on to profile two of the most recurrent forms of engagement between street traders and the state: the meeting and the raid.



## **Chapter 4. INTERACTIONS BETWEEN THE BUREAUCRACY AND THE PEOPLE**<sup>15</sup>

*What is still missing... is a conscious rebalancing of the literature to respond to the complexity of contexts where humanity and cruelty occur across the state-citizenry divide*  
(Harrison 2014: 70)

*A wide gulf between the broad aims and directives of senior administrators and politicians, and the ways policies can actually be worked out on the street. Regulating street vendors... requires interactions between dozens of local officials and literally thousands of vendors, with enormous potential for misunderstandings, avoidance and deception. The inspectors, police and extension workers who perform such functions are usually at the bottom of the administrative hierarchy, and regulating and promoting street vending is one of the lowest status and most difficult tasks that they have to perform.*  
(Bromley 2000:17)

*Progressive street trading management seldom lasts.*  
(Béni-Gbaffou 2015: 25)

The realities of Johannesburg's street economy and local government bureaucracy, and certainly the complicated relationship between them, often confound the traditional binaries of formality and informality. Vusumuzi Sibanda, for instance, promoted MTN products near the MTN taxi rank. The business in the area is particularly good as people arriving in South Africa from the continent, who first

---

<sup>15</sup> Keith Hart has recently suggested (2015a) that the 'formal' and the 'informal' appear to be separate phenomena, usually because of the use of the qualifier 'sector' – constituted by the power of bureaucracy, or public office, on the one hand and ordinary people on the other – and that here is a widespread perception that there is something of an on-going class warfare between the two. He argues that this goes a long way towards obscuring important social dynamics, and cuts short our ability to acknowledge practices invisible to the bureaucratic gaze and demystifying the formal sphere by uncovering the informal practices of the people who constitute it.

come to Johannesburg through Park Station and the nearby taxi ranks, are in need of the mobile phone services that he provided. The telecommunications giant paid him a R1 700 basic salary plus commission, which usually bumped his monthly earnings up to around R6 000. He was a security guard in Midrand before the promise of flexible earnings closer to home convinced him to seek permission from a block leader to trade in front of his stand.

Initially, he claims, the JMPD confiscated his stock on a regular basis as he was trading without a license. He was also assaulted by the JMPD, and had money taken from him. Attempts to open cases against the responsible officers, he told me, fell flat. Soon, he and other traders promoting MTN products approached managers at the company, explaining their ongoing struggles and requesting their intervention. Vusumuzi said that a “better relationship” had soon been negotiated, and that the traders had not had their stock confiscated since. MTN even began negotiating on behalf of their traders to fast track the smart card application process as well. He now goes directly to MTN management if he has any trade related issues.

Before I move on in the remainder of this section to profile two of the most recurrent forms of interaction between street traders and the City of Johannesburg, with a particular focus on Operation Clean Sweep as an archetype of ‘the raid’, it is important to consider the implications of this anecdotal account of how Vusumuzi has navigated his relationship with the City of Johannesburg. Vusumuzi’s story draws attention to the fact that accounts of the management of street trading in Johannesburg should hesitate to rely too easily on the binary between the state responsible for the management and the citizen whose economic activity it manages. The everyday practices (I will speak in more detail to some of these in Chapter 7) of street traders, and Vusumuzi is certainly not an isolated case in this regard, show that a range of strategies are enlisted to circumvent aspects of the formal management relationship between street traders and the City are not working. As a result, the management of street trade in practice is a more kaleidoscopic relational matrix, including private interests, most often to the detriment of street traders, as I have already discussed, but in some instances to their benefit, as in Vusumuzi’s case.

I now turn to two of the most prevalent forms of public interaction between the City and street traders.

#### **4.1 The Raid**

Evictions of street traders the world over by public authorities are most often carried out on the basis that street traders infringe the law. Informal businesses are seldom registered with local authorities, and usually infringe on town-planning laws by violating zoning regulations, located as they are on streets, sidewalks, arcades, road reserves and other public spaces designated for other purposes (Lyon *et al* 2012: 1010). The informal trading by-law in Johannesburg, which does not serve any planning functions, demonstrates a fundamentally restrictive rather than regulative function. The by-law restricts traders from, amongst others, placing their property on a public road or public place, interfering with the ability of pedestrians to view the goods in a shop, obstructing access to a pedestrian crossing or a parking or loading bay, obstructing access to street furniture and other facilities for public use, and creating “a nuisance” (City of Johannesburg Metropolitan Municipality May 2004).

The ideological rationale of ‘crime and grime’ is not a new one, and is certainly not idiosyncratic to South Africa. Urban authorities have operationalised it against street traders both in South Africa and around the world for decades. Natrass argued that the local government in Umtata in the 1980s upheld a “belief that street traders are a messy, unhygienic, crime-inducing nuisance in the city” (1987: 869). Bromley noted in the 1970s that authorities in Cali in Colombia “usually consider Street Traders to be a nuisance, making the city look untidy and ugly by their very presence” (1978b: 1163), and Mpofu (2014) has detailed the more recent Operation Murambatsvina in Zimbabwe; a 2005 “clean-up” of informal vendors from the streets of urban centres around the country, despite the state’s severely limited capacity to create jobs in an economy where formal sector employment “had declined to around 13 per cent of the labour force or roughly 10 per cent of the population” (2014: 24). Popke and Ballard (2004) argue that in South Africa, street traders are often apportioned blame in what are actually middle class and usually white laments of an ‘urban death’, and in

particular the decline of a certain *kind* of city – marked by the neat spatial divisions between races of the modernist apartheid urban visions – and the contested emergence of a new kind of city – characterised by cosmopolitan milieu. Street traders are cast as the vandals who, being outsiders in the previous urban incarnation, are now confounding the modernist binaries of insider and outsider (Popke and Ballard 2004: 106).

#### **4.1.1 The dirty business of cleaning Johannesburg**

During September and October 2013, approximately seven thousand street traders were evicted on a mass scale as part of the City’s Operation Clean Sweep. The impulse behind the operation came out of series of ‘site visits’ by the MMC responsible for Development Planning and Region F, MMC Greef, and the stated aim was to “tackle the current Inner City challenges, combat lawlessness, educate and collaborate with our citizens and finally change the face and aesthetics of the Inner City for the better” (Office of the MMC 2012: 1).

The ‘challenges’ referred to included ‘cleanliness levels,’ ‘illegal trading,’ informal settlements,’ ‘unauthorised businesses,’ ‘homeless people,’ and ‘anti-social behaviour such as excessive noise, urinating on the street etc.’ As mentioned earlier, the Operation was founded on an assonant three-levelled strategic approach of ‘educate,’ ‘enable,’ and ‘enforce’, which the City understood as crucial to the achievement of the programme. At this formative level, Clean Sweep was already riddled with problems. The role of educating inner city communities in the City’s ‘new approach’ was so that they might be the “eyes and ears [of the City] in their own neighbourhoods” (2012: 7). The ‘enable’ section of the strategy had little to do with enabling people in the inner city to realise better livelihoods. Rather, it sought to enable people “to comply with the laws and regulations of the City of Joburg and the country.” The City understood the prevailing context as one of “onerous laws coupled with policies that do not make it very easy to engage in sustainable economic activity,” as a result of which “people may find it easier to break the law in their efforts to make a living” (*Ibid*: 4).

The alleged benefit of such an ‘enabled’ inner city, and one of the more revealing affirmations of Clean Sweep’s goals, was laid out in the ‘enforce’ section of the strategy:

“As behaviour changes and as people act more responsibly, the burden of the State decreases, allowing it to spend its money and use its resources on more important issues. An effective law enforcement programme that instils a culture of compliance or punishment empowers members of the public to assist in the management of their environment” (2012: 7)

There seemed to be no connection between the City’s plan to stop illegal trading and crime, and the removal of traders *en masse* which came to characterise the operation, however. The City later argued in court that it had been “convenient” to remove registered traders together with unregistered traders during this process (Evans 2013; *SAITF*: 16).

Accompanied by confiscations of stock, Operation Clean Sweep left the traders, many of whom were the breadwinners in their families, without their goods and places of business. Evictions were characterised by inconsistent reasoning offered by police, and often violence (see Nxumalo 2013), and were called a “brutal, arbitrary, and contemptuous way for the state to solve urban issues” (Benit-Gbaffou et al 2014: 3). Carolina, a trader from Mozambique, watched JMPD officials assault traders during an afternoon of Clean Sweep arrests, and experienced abuses shared by many of the street traders with whom I spoke during my fieldwork. She tells of officials chasing people away from their stalls, taking bribes from traders desperate to hold on to their stock, and kicking another female trader with booted feet. The JMPD officers approached Carolina and confiscated her cell phone, where she had been recording the abuses, accusing her of pretending to be a journalist and telling her to go home. When she approached JMPD officials to ask for her phone back, they told her that she was under arrest because “it is illegal to take photos of the police doing their

job”.<sup>16</sup> They took her into a police van, where approximately 20 officers beat her and pulled out most of her hair. They took photos of Carolina without her hair and ridiculed her. A female officer eventually gave her back her cell phone, with which she continued taking photos of the violent assaults on other traders. The police took her phone once again and deleted the photos. They then drove around with Carolina and a number of other arrested traders to a police station where their hands were handcuffed behind their backs while they were spat on and further verbally and physically assaulted. One trader was told that that the JMPD “would drag her with the car like the other guy from Maputo”.<sup>17</sup> Belinda was told, “All of this is Mandela's fault for having married Graça”.<sup>18</sup> The traders were eventually charged with “resisting arrest”.<sup>19</sup>

By the end of October 2013, a vast majority of Johannesburg’s inner city traders were left without both their places of business and their stock, although a handful continued business in defiance against Operation Clean Sweep. Over 6 000 traders were eventually removed from the streets, and estimates of dependants of evicted traders range between 30 000 and 32 000. As has been the case in other large-scale evictions (see Lyons et al (2012: 1026), for example), the evictions had devastating economic consequences for the traders and their families. They lost fixed capital and assets through the demolition or removal of their stalls, lost stock through confiscation, and their forced absence from the street meant a loss of income and

---

<sup>16</sup> There have been increasing reports of police clamping down violently on citizen documenting of police activity (see Grebe (2016) for example). Some have suggested that this is in response to the shocking images shared around the world of both the shooting to death of Andries Tatane, a teacher and protestor from Fiksburg, by police, and the massacre by police of 37 striking mineworkers at Marikana. The Right 2 Know Campaign has campaigned to raise awareness among the public of the South African Police Service’s (SAPS) Standing Order 156, which governs how the police should engage media representatives including, according to Right 2 Know, citizen journalists – anyone with a cell phone camera. The Standing Order makes plain that people have the right to photograph anything in plain view, including SAPS members, in public spaces (see Right 2 Know (2015)).

<sup>17</sup> A reference to Mido Macia, a Mozambican man who died after being tied by his hands to the back of a police van and dragged along the road while bystanders looked on.

<sup>18</sup> A reference to former president Nelson Mandela having married Mozambican politician Graça Machel.

<sup>19</sup> The charges were dropped at the first court appearance.

severe damage to their business as their relationships with regular clientele, a crucial aspect of successful business on the street (Webster 2015), were compromised.

Under severe economic pressure from the sudden lack of income, and aware of the prospect of a protracted legal battle, traders initially tried to negotiate an agreement with the City, complying with verification and re-registration processes in order that they might resume business as soon as possible. Upon returning to their stalls, however, they were evicted again by JMPD officers. The new evictions suggested that the operation was more about the removal of street trade from the inner city than it was about a proliferation of illegal trade, as the City professed. Indeed, the JMPD spokesperson at the time, Edna Mamonyane, announced that the operation was a success because the “nightmare” of Johannesburg’s streets had been overcome owing to the fact that “now [they] look clean” (Nxumalo 2013). The City gave further credence to this view when, in November, it re-designated former areas of trade as areas where trade was not permitted.

Two trader organisations, SAITF and the South African National Traders Retail Association (SANTRA), challenged the operation by launching a legal process in the South Gauteng High Court on 15<sup>th</sup> November 2013. Seeking interim relief, the traders contended that they had permission to trade, that they were prevented from trading since the evictions, which threatened their livelihoods, and that they faced irreparable harm that undermined their rights to trade and dignity.<sup>20</sup> The appeal also outlined how the City had acted unlawfully. No part of the City’s Informal Trading By-laws permitted the actions taken during Clean Sweep. And the City’s plan to relocate traders in the wake of the evictions disregarded the consultation process required of the City by the Businesses Act. Although the High Court application was struck from the urgent roll, an urgent appeal made to the Constitutional Court was upheld, and the traders were granted interim relief and allowed to return to their stalls.

---

<sup>20</sup> *South African Informal Traders Forum and Others v City of Johannesburg and Others*, High Court of South Africa, Case No. 43427 / 2013, Applicants Heads of Argument.

#### 4.1.2 Raids as the extension of transience

The modernist urban imagination is as fascinated with aesthetics as it is with temporality: another pillar on which the order around which cities should be organised depends is permanence. The figure of the transient street trader, a constant fugitive from the bare realities of the economy coming and going to make a buck, is not limited to policy discourse. Indeed, it extends into the idioms of progressive urbanists as well. When discussing street trade in Johannesburg, Dinath for instance, argues quite overtly that “everything about [informal trade], bar its existence, is fleeting” and that “flexibility is essential to the livelihood of the trader” (2014: 242-243). This conclusion seems to have been reached without a great deal of conversation with street traders themselves, and reveals another gap in the literature. Accounts that begin in street traders’ experiences reveal astounding tenacity, often in the face of agendas and processes which would see them removed, and in many instances a degree of permanence to traders’ place on the sidewalks of the inner city.

Recent research even suggests that the majority of traders making a living in Johannesburg’s inner city have been doing so, at the same location, for ten years and longer (Webster 2015). Elsewhere, Asef Bayat suggests that the “protracted war of attrition” (1997: 54) waged against street vendors by Iranian authorities, and the shop owners whose business opportunities the vendors had appropriated, was another clamp down on “the quiet encroachment of the ordinary”. This encroachment is “a silent, patient, protracted, and pervasive advancement of ordinary people”, among whom street vendors count as their peers men and women who have embarked upon “long and painful migratory journeys, scattering in remote and alien environs, acquiring work, shelter, land and living amenities” and driven by the force of economic hardship, war, or natural disaster” (1997: 57-58). This advancement of “ordinary people”, Bayat argues, is “on the part of the propertied and powerful in order to survive hardships and better their lives”, and is characterised by “quiet, atomised and prolonged mobilisation with episodic collective action – an open and fleeting struggle without clear leadership, ideology or structured organisation, one which makes significant gains for the actors, eventually placing them as a counterpoint *vis-à-vis* the state” (1997: 57-58).



I have argued elsewhere that City raids of street traders, and particularly in the context of Operation Clean Sweep, are only possible through the administration's "conflation of informality and impermanence" (Webster 2015: 40). The raid is a form of governance which relies foundationally on an understanding of street traders as *transient*. Indeed, this was confirmed throughout the supporting affidavit filed in the High Court by the City of Johannesburg<sup>21</sup> when SAITF and SANTRA initially made an urgent application to have Operation Clean Sweep overturned. In it, the City's Chief Operating Officer repeated at length the view of the City that the implications of Operation Clean Sweep presented no urgency in the lives of the street traders it effected: "I submit that these applications are not urgent as the Applicants seek to make them out to be. Any urgency claimed herein, I respectfully submit, is self-created" (supporting affidavit: 4). The City's view of street trading was quite clearly one of transience: the businesses set up by street traders are impermanent enough that their removal (eventually for three months) does not constitute a matter of urgency for those traders.

## 4.2 The Meeting

Formal engagements, or meetings, between traders and the City can be understood as an example of what Miraftab has called 'invited spaces of citizenship': spaces of state and grassroots participation that are "occupied by those grassroots... that are legitimised by... government interventions" (2004: 1). These are spaces in which the City was essentially responsible for determining the rules of engagement, and became decidedly more frequent after the Constitutional Court lambasted the non-consultative approach the City had taken to urban management during Clean Sweep.<sup>22</sup> The City was further advised by the Court to follow the robust consultative process set out in the Businesses Act should it need to relocate street traders in the

---

<sup>21</sup> *South African Informal Traders Forum v City of Johannesburg* (GJ) unreported case number 43427/13 of 27 November 2013, respondent's supporting affidavit.

<sup>22</sup> *South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association v City of Johannesburg and Others* [2014] ZACC 8 (SAITF).

future.<sup>23</sup> The engagements were, however, heavily contested, with a complex set of interests playing out. Chief among these were various trader organisations, the City, its private consultants and contracted researchers, concerned academics and NGOs, and lawyers representing the City and lawyers representing the street traders.

Most of the meetings to which I was a party were held in a dimly lit and disorganised conference room in the offices of the Metropolitan Trading Company (MTC) on the top floor of Metro Mall on Gwigi Mrwebi Street in Newtown on the western edge of Johannesburg's inner city. There, under a low ceiling and among scattered and unused school desks and plastic chairs, members of SAITF's leadership structures would discuss various street trade management matters with City representatives, most often Sipehele,<sup>24</sup> who was responsible for the informal trading directorate within the Department of Economic Development (DED). Sipehele, and any other City representative, often failed to attend these meetings, leaving those SAITF members in attendance frustrated but resigned. "What can we do?" one of them once told me; "It is always like this". When representatives of the City did show up (although even then, they regularly cut meetings short to attend "prior engagements"), the engagements usually revolved around how more responsibility for the management of street trade could be handed over from the City to street traders themselves. Security and cleaning in particular were two services that SAITF felt street traders could formally take over from the City and be compensated for accordingly.<sup>25</sup>

Street traders did not participate in other meetings. After many attempts, for instance, SERI managed to secure a meeting with the DED to discuss the findings and

---

<sup>23</sup> This approach in the Court's ruling has been criticised. Pieterse (2017) suggests that the Court missed an opportunity to give substance to street traders rights to work. By focusing on the City's procedural mistakes during Clean Sweep, the Court avoided dealing with the underlying motivations for the operation. As a result, the Court suggested that the problem with the eviction of the almost 8000 street traders was procedural, and not the aesthetic development of the city at the expense of the livelihoods of vulnerable people.

<sup>24</sup> Not his real name.

<sup>25</sup> The City's poor performance in the delivery of these and other services guaranteed to street traders in policy documents is well documented. See Webster (2015).

recommendations of the research it had conducted into street traders' experiences of the City's attempts to manage street trade (see Webster (2015)). Due to a long litigious and antagonistic relationship between SERI and the City in general, and the litigation that came in the wake of Operation Clean Sweep in particular, this meeting was fundamentally hostile and the City, again represented by Sipehelele, contested all of SERI's findings. But more than this, the meeting highlighted the central role that lawyers came to occupy in the aftermath of Clean Sweep: members of both SERI's litigation unit and the City's legal department joined SERI researchers and City bureaucrats in the meeting. Before making any contribution to the discussion, Sipehelele would turn to his colleague from the legal department for endorsement. On a few occasions, the endorsement was not forthcoming and Sipehelele would withhold his initial input, saying instead, "Unfortunately we cannot offer any opinion on that point just yet." Members of SERI's litigation team made equally contrived contributions to the discussion, reminding Sipehelele of the Constitutional Court judgment on numerous occasions, and suggesting that regardless of the outcomes of the meeting, the City were now under strict obligations in terms of the judgment.

The meetings between the City and SAITF, and the City and SERI, highlight two important features of the formal engagements regarding street trading in the wake of Operation Clean Sweep as mandated by the Constitutional Court judgment. The first is that these spaces are *invited* (Miraftab 2004). As a result, the City holds power in these engagements that other stakeholders do not. This power was regularly expressed through banal gestures. Street traders could never leave meetings at the MTC to attend prior engagements, for instance, much less fail to attend them, while the City did so regularly. Despite being the legal representatives of one of Johannesburg's major informal trade organisations, and a leading organisation in research and advocacy efforts around matters of street trade management in Johannesburg, SERI was forced to undertake extensive efforts to secure a meeting with the City. This leads into the second feature highlighted in the brief accounts of the two different types of meetings I have given above: the growing importance of lawyers and legal representatives to the relationship between the City and street traders. This legal dimension of the relationship is a new one in the now long-standing relationship, and it has both furthered (as was the case in SAITF and

SANTRA's victory in the Constitutional Court) and hampered the interests of street traders (as was the case in the meeting described above, and many others, where difficult historical relationships between the City and legal NGOs interfere with advocacy efforts for more progressive management of street trading).

I now turn to a meeting that was more representative of the multiple stakeholders in the developing relationship between the City and street traders in the aftermath of Operation Clean Sweep. On 18 and 19 May 2015, the City convened a meeting between the majority of these stakeholders at the Joburg Theatre in Braamfontein. Attendees at the meeting included numerous informal trader organisations, representatives of the DED, concerned academics and researchers, and representatives of GIBB, an engineering consultancy that the City had contracted to undertake research into "the feasibility of whether and how certain streets could accommodate informal street trading in the inner city" and "proposed interventions" in cases where the streets were "deemed feasible" (City of Johannesburg Metropolitan Municipality 18 May 2015: 2). The intention of the meeting was to present the City's plans for the management of street trading going forward, based on the study conducted by GIBB.

A notable absentee at the meeting, however, was inner city private businesses and developers. It soon emerged that the City had already consulted with inner city businesses regarding its new plans.

Sandwiched tightly between a middle-aged woman who trades at the Yeoville market on my right, and an elderly man who trades outside of Chris Hani Baragwanath Hospital on my left, I sat towards the back of the packed event venue on the first floor of the Joburg Theatre building, waiting for the City's presentation on the 'redesignation' of inner city trading spaces. I caught Benjamin's eye from across the room, and, smiling, he rolled his eyes as if to say, "Here we go again!"

Over the course of the two days, three presentations were made for consideration. One outlined research into international best practice and progressive models for the management of street trade conducted by the Centre for Urban and Built

Environment Studies (CUBES) at the University of the Witwatersrand (see Bénéit-Gbaffou (2015)), another outlined the findings and recommendations of the GIBB research (see City of Johannesburg Metropolitan Municipality (18 May 2015)), and the third was made by the DED, outlining its plans for the management of street trade going forward (see City of Johannesburg Metropolitan Municipality (19 May 2015)). These plans prioritised the eventual relocation of street traders from sidewalks and into linear markets, markets in repurposed buildings, or markets in public transport developments.

The City, despite attempting to “balance the interest[s] of all” inner city stakeholders (City of Johannesburg Metropolitan Municipality 19 May 2015: 3), made a clear consultative distinction between private businesses and ‘the rest’ when consulting stakeholders. While it may be impossible to come by the details of the discussion that took place between the City and private businesses regarding the City’s plans for street trade management, it is telling that street traders themselves did not have a seat at the discussion. As telling is the City’s clear bias with regard to the kind of research it chose to operationalise in its approach to street trade management. Having already largely dismissed SERI’s more ethnographic research into street traders experiences (as discussed above), the City was publically circumspect of CUBES research into international best practice at the meeting, suggesting that its findings reflected an unrealistically progressive agenda. Instead, the City prioritised the findings of the GIBB research, which largely relied on the findings of “traffic count surveys” from 45 inner city intersections (City of Johannesburg Metropolitan Municipality 18 May 2015: 3). While repeating the City’s laudable intentions of developing “the inner city area into a practical shared space amongst multiple users” (*Ibid.*), the GIBB research explicitly excludes street traders from the stakeholders who might enjoy “maximised positive impact” (*Ibid.*). Instead, these include cyclists, private vehicles and delivery vehicles among other pedestrian and vehicular uses of inner city streets. The findings and recommendations were also entirely naïve. Included in its “principles for determining trading”, for example, was the suggestion that “informal street trading should therefore not be allowed within one block of key pedestrian accesses to major public transport facilities” (*Ibid.*: 6), flying in the face of the basic requirement of high pedestrian footfall for the success of businesses in the street economy. An obvious

alienation from the realities of Johannesburg's inner city led GIBB to make other bizarre recommendations, such as, "the minimum width on a sidewalk where trading is allowed, should be 5m. If this is not possible, trading should not be allowed" (*Ibid*: 7). Anybody who has spent time in Johannesburg's inner city can attest to the fact that no such sidewalk exists.

Formal meetings between the City and street traders in the aftermath of Operation Clean Sweep reveal some crucial dimensions of the relationship between the two. Firstly, these engagements are contested, and involve more than two parties. Legal representatives of the City and street traders, concerned researchers and academics, and private businesses and developers with vested interests in the inner city all have important roles to play. Secondly, these are 'invited spaces' in which the City maintains power that other stakeholders do not, including but not limited to the powers of refusal (by not attending meetings at all), frustration (by cutting meetings short according to their own schedules), and admission (by establishing an inequality among stakeholders by distinguishing which stakeholders have access to which meetings). And finally, certain information is prioritised in these meetings. Neither research into international best practice and successful progressive and inclusive street trade management models (see Bénit-Gbaffou (2015)), nor research into traders lived experiences of street trading (see Webster (2015)) appear to have much bearing on the City's decision making processes vis-à-vis the management of street trade in the inner city. The City has publically called the former into question and privately dismissed the latter. Instead, the research of private engineering consultants, focused almost exclusively on inner city traffic studies and recommending an 'order' in the inner city which would compromise the livelihoods of street traders, is prioritised, at times to a farcical extent, as discussed above.

In Chapter 6 I revisit how the preoccupation with 'order' introduced in these accounts of meetings between the City and street traders forms part of a broader 'grammar of aesthetics' by which the City renders street traders in the inner city 'legible'. Legibility in this context is not achieved through counting and documenting (Scott 1998). Rather, the City makes use of a set of devices (such as the traffic count surveys discussed above) to establish and impose modernist schemes of 'order' from

a distance. In the next section, however, I profile two men on the other end of City/street trader meetings. Benjamin and Tshepo are both members of the leadership structures of a large informal trade organisation in Johannesburg. By telling their two very different stories, I hope to shed light on some of the ways in which ‘interactions between the bureaucracy and the people’, and in this case between the City of Johannesburg and two street traders, and complex personal biographies can shape street traders understandings of the state.



**Figure 9. Street traders unpacking fresh produce near Park Station in preparation for the day's business. Photograph by the author.**

## **Chapter 5. THE ABSENCE AND PRESENCE OF THE STATE: TWO STREET TRADERS, TWO STORIES**

During my time as an employee at SERI, and for the duration of my fieldwork, there were some street traders with whom I spent more time than others. Being largely responsible and accountable for SERI's informal trade research and advocacy, I spent a great deal of time with those in the leadership of the organisation's client group – the South African Informal Trader's Forum (SAITF). One of these leaders in particular, Benjamin,<sup>26</sup> spent countless hours in my office updating me on developments on the street, conveying new concerns of SAITF members, keeping me on track with regard to my deliverables for the organisation, constantly imploring me to open new relationships for SAITF with City officials or property developers, and pushing the research and advocacy work as far as possible. Another member of SAITF's leadership structures, although closer to the grassroots, Tshepo, was chiefly responsible for my introduction to Johannesburg's street economy.

In this section, I profile the contrasting ways in which Benjamin and Tshepo respectively came to make a living in Johannesburg's street economy, and the views they have developed on the place of street traders and the City administration in that street economy. These two accounts of the histories, perspectives and motivations of two street traders actively involved in engagements with the City on behalf of members of an informal trade organisation bring attention to more than the multiple experiences of the street economy. They highlight that underlying the heavily contested terrain on which the relationship between street traders and the City play out are, among other things, a wide range of understandings of the state and its responsibilities among the individual street traders. This is another important step in

---

<sup>26</sup> It warrants repetition here that I have not used Benjamin's real name at his request. He felt, as a prominent figure in one of the major informal trader organisations, that his anonymity was especially crucial.



avoiding a homogenisation of the street economy, and the relationship between street traders and the state.

## **5.1 A rapid rise: Benjamin and the professionalisation of the street economy**

*If you're in an organisation that is unorganised, that is exactly what they [the City of Joburg] want.*

Interview with Benjamin.

In 1996, leaders of the South African Council of Churches (SACC), including theologians and anti-apartheid activists Beyers Naude, Barney Pityana and Bishop Johannes Thomas Seoka, formed Ecumenical Service for Socio-Ecumenical Transformation (ESSET). A registered non-profit company in terms of South Africa's Companies Act 71 of 1998, ESSET describes itself as “an independent ecumenical organisation that works against the systematic exclusion of poor people and marginalized social groups by advocating for social justice” (Malungisa 2015: sp). Almost a decade later in 2005, the South African Informal Traders Forum (SAITF) was founded in partnership with ESSET.

Despite having elected leadership structures, SAITF had no official membership database at the time, and collected no membership fees. Attendance registers circulated at SAITF meetings, open to any interested street traders, constituted the only record of ‘membership’. The fledgling organisation was largely dependent on ESSET, which provided office space, and would raise funds in the name of the socio-economic hardships faced by street traders. At the time, Benjamin, who had just been introduced to SAITF, asked members of the leadership structures, “Guys, what are you doing with these people? How do you benefit?” He was referring to the fact that SAITF never benefited from the funds raised by ESSET, and that street trader matters were never tabled or debated at ESSET meetings, who he says were largely focused on cross-border trade.

In a landmark case 9 years later in 2014, SAITF, together with the South African National Traders Retail Association (SANTRA), successfully challenged South Africa's most well-resourced municipal government in the Constitutional Court. In less than a decade, the organisation had gone from a relationship of dependence to an NGO, to successfully challenging major municipal urban management operations in the country's apex court. An account of Benjamin's involvement in the organisation reveals some key features of the development of one of the organisations which would come to play a central part in the aftermath of Clean Sweep, and the shifting relationship between street traders and the City that ensued.

### *The frustrations of a formal education for a street trader bureaucrat*

Benjamin grew up in Cape Town, and after completing high school there, relocated to Johannesburg to complete a degree in electrical engineering at what was then the Technikon Witwatersrand, which would later merge with Rand Afrikaans University in the mid-2000s to form the University of Johannesburg. Benjamin qualified, with a focus in light current and programming, and began his mandatory practical internship at the International Business Machines Corporation's (IBM) Johannesburg offices. He tells me that he "didn't like the results" of his qualification. Benjamin wanted something that "would be challenging" – he had harboured dreams of design, and developing new technological concepts and solutions. He had little patience for the work during his time at IBM, which he described as "only programming motherboards, Monday to Friday."

Around this time Benjamin developed an interest in street traders after witnessing a few "mamas with babies on their backs being harassed." After speaking to some traders, Benjamin felt that they were not properly organised nor represented, and began to pour the energies he felt were being wasted at IBM into answering the question, as he phrases it, of "how do I give back to the community?" By "the community", he meant, "people who can't read, people who can't write, people who can't challenge anything". He understood the struggles of street traders he had witnessed largely as one of disempowerment due to illiteracy, and an inability to

effectively engage the state as a result. The street traders he had seen harassed were “people who are victims; victims in the current system, forget about the past.” But Benjamin saw “no place for someone with a formal education” in the struggles to which he was committing more and more of his time and energy: to play a meaningful part in assisting street traders, one had to be a street trader.

*Joint Venture: An introduction to street trade and informal trade organisations*

It was not financially difficult to set up a business – he had some money saved up – but the administrative hurdles were considerable. In 2008, Benjamin tried to register as a street trader with what was then the Metropolitan Trading Company (MTC) only to be told that he would fall behind more than 2000 applicants on a ‘waiting list’ for the limited trading spaces in the inner city. Benjamin approached a Tanzanian street trader, Daniel, selling shoes and fruit and vegetables outside Park Station instead, and proposed what would be the first of the many “joint ventures” he would oversee. Benjamin convinced his new partner to allow him to share his trading space, which was managed by the Passenger Rail Agency of South Africa (PRASA) as a result of being located on land owned by the agency. In return, Benjamin would begin paying half of the R30 monthly rental fee for the space, take responsibility for half of his partners’ membership fees at the South African Railway Hawkers Association (SARHA), an organisation representing informal traders trading on PRASA properties around the country, and the two would share the proceeds of their now shared business. Benjamin had suggested running a public telephone service side-by-side with the shoes and fruits and vegetables.

Benjamin told me that Daniel, whose business was struggling at the time, accepted the offer gladly. SARHA also accepted Daniel’s request that Benjamin be allowed to share his trading space and membership fee. Benjamin felt that SARHA was not representing the interests of its members, however – collecting fees but not intervening in members’ struggles. He said that, “if metro [police] come and confiscate, they don’t give a damn.” Nevertheless, the chairperson of SARHA was

also a founding member of SAITF, and introduced Benjamin to the trader organisation, which was operating at a citywide scale.

Benjamin took a keen interest in SAITF, and in particular its more ambitious project. In the lead up to the 2010 FIFA World Cup soccer tournament being hosted in South Africa, street traders, among them SAITF members, were restricted from trading near to the newly refurbished FNB Stadium near to Soweto in the south of Johannesburg, where many of the high profile matches would be played during the tournament. There are now numerous accounts detailing the ways in which poorer city residents in South Africa generally (see Omena de Melo (2017), for example), and street traders particularly (see Çelik (2011), for example) were excluded, often violently, from the benefits, economic and otherwise, of the FIFA World Cup. The organisation planned a march to the headquarters of the South African Football Association (SAFA) in protest. Benjamin decided to get involved in organising this march, which he saw as having “the right energy” but being poorly organised. The organisation’s secretary had recently resigned, and the deputy-secretary had stepped into the role, leaving a vacancy in the leadership structures. Through playing an active role in SAITF’s protest of restrictions on street traders related to the FIFA World Cup, and in other organisational activities, Benjamin was soon elected to take up this vacancy, completing his rapid rise in the official hemisphere of street trader politics in Johannesburg.

Benjamin set about introducing key structures at the organisation, most notably a reliable membership database, reliant on a membership form, from which the organisation was able to collect membership fees (at the time of writing this dissertation, SAITF membership fees were R120 per year), distancing itself from its erstwhile dependence on ESSET. He drafted a membership declaration to be signed by all members, and designed a SAITF logo. He also began attending the Informal

Traders Forum<sup>27</sup> on behalf of SAITF, starting in earnest what he called “research into the City of Johannesburg”. It did not take him long to conclude that “even in the Forum there was nothing”, referring to what he saw as the City’s failure to take street traders seriously as equal participants in the Forum. While the Forum was highly representative, including street trader representatives from all over Johannesburg, he tells of how the City would merely send an official with a predetermined agenda over which the informal trade organisations and representatives had no ownership, echoing the earlier experiences of SAITF at ESSET meetings. As a result, he felt that SAITF was only reacting to whatever plans and proposals the City presented. He felt that a large part of the responsibility for the situation at the Forum rested with the informal trade organisations themselves, who were only attending “to be endorsed and recognised as leaders” and were “not as informed as they should be [and] had no power to challenge the programmes [as a result]”. He suggested to the SAITF leadership that the time had come for the organisation to begin actively developing its own programmes.

At the time, SAITF was still unregistered, and for Benjamin, remained “just a name” as a result, running the risk of being a “bogus organisation”. In 2012, however, Benjamin and other leaders oversaw the official registration of SAITF as a Non-Profit Organisation (NPO) with the Department of Social Development. Benjamin says that the professionalisation of SAITF was central to not only its survival, but also the survival of the street traders it represents. He once told me while we stood on the street outside of SERI’s offices after a particularly lengthy planning meeting that, “from way back, there’s no City, there’s no government in the South African context:

---

<sup>27</sup> The Informal Traders Forum is a participatory structure established by the City (City of Johannesburg Metropolitan Municipality 2009) designed to “include traders’ voices into policy and implementation” (Benit-Gbaffou 2015: 27), but which, for various reasons, descended to a “platform for political sedation (at best) or active division of traders (at worst)” (Ibid: 87). Beyond Benjamin’s brief mention of it, I do not discuss the Informal Traders Forum at length in this dissertation. The institution’s failure, despite its progressive intentions, has been documented elsewhere (see for example Matjomane (2013)).

they don't have an interest when it comes to informal trading. The African National Congress simply attended to that because they wanted votes from the poor." He went so far as to say that "informal trading was more managed during apartheid", perhaps referring to the extent of the control which the municipality exercised over street traders, rather than any benefit traders may have enjoyed from that. "If you're in an organisation that is unorganised," according to Benjamin, "that is exactly what they [the City] want. There's no way that you can challenge them. You become dependent on them."

And it is that dependence which he felt SAITF must avoid. Street traders must instead "organise themselves, register, be more professional," and informal trader organisations must "come up with programmes that will assist informal traders, independently from whatever City programmes. [They should not] go to those people [the City] and beg. [They should] go to those people and share their programme – if [the City] is interested, they'll buy into it and they'll be part and parcel of it, and then informal trading will live forever." Despite his disillusionment with ESSET, it seems that Benjamin nevertheless leaned quite heavily on the discussions happening amongst traders at the time when SAITF were still closely affiliated to ESSET when developing his approach to what was required for street trader organisations to 'professionalise'. In late 2007, ESSET published a ten-point plan highlighting the struggles faced by street traders, which it aimed to discuss with the City administration. The plan included, among other steps, calls for the "creation of a database of traders"; "access to banking and social services"; and "business skills and leadership training" (Tissington 2009: 44).

Benjamin believed that South African city governments are intent on doing away with street trading. In Johannesburg, he believed this was largely a question of cost-recovery for the municipality. He felt that, when the number of traders who were not paying monthly rental to JPS was considered, the management of street trade no longer made financial sense for the City. He said "JPC, they're focusing on making more money for the City," and alleged that informal traders owe JPC in excess of R20 million rand in outstanding rent, which it will likely never recover. Nevertheless, he held to the conviction that "informal traders must grow – they must be at another

level.” Surviving the supposed onslaught of local government-led displacement relies on two things, according to Benjamin: the continued professionalisation, formalisation and bureaucratisation of informal traders’ organisations and the relationships with the public and private sector which it will facilitate, and the continued use of courts to hold local government to account. These interven

With regard to the first, he told me “at SAITF we are informally formalising informal traders – that’s our plan”. This informal formalisation means different things in different places. It refers to securing service provision contracts for SAITF members, wherein the City will pay them for cleaning and security services at their places of work; essentially ensuring that duties of the City, as per its informal trading policy (2009), are outsourced to street traders themselves. A SAITF programme particularly close to Benjamin’s heart involves setting up street trader co-operatives to be subsidised by the Gauteng provincial Department of Economic Development. “That’s how we want to sustain them,” said Benjamin. But it also means finding ways to circumnavigate the City management of informal trading to develop stronger relationships directly with the private sector. For example, Benjamin once told me during a SAITF members meeting at the Gauteng Provincial Legislature in Johannesburg’s inner city that “we [SAITF] are approaching your developed business, your formal business. We are saying ‘Come, let’s do a joint venture, let’s do business’. We want to do business with MTN<sup>28</sup> - directly so”. The current informal trade management model means that street traders cannot negotiate these contracts for themselves, with JPC mediating any negotiations between the private sector and registered street traders under its management.

With regard to the second requisite for the survival of SAITF and street trade in Johannesburg more broadly, Benjamin said “informal trading – I don’t see it having a bright future. Rather, I see it existing because of the court orders that we got. That is the only thing we’ve got making informal trading to continue”. He was adamant that the involvement of lawyers and litigation in the struggles of street traders has in no way compromised the agency of street traders: “Lawyers, I mean, were invited by us.

---

<sup>28</sup> MTN is a large multinational mobile telecommunications company.

Lawyers didn't wake up and decide to help informal traders. Up until today they are taking orders from informal traders' leadership structures". In so doing, Benjamin echoed positions taken earlier by other South African social movements. Abahlali baseMjondolo,<sup>29</sup> for instance, has maintained that its engagement with lawyers is always from a position of power, and that lawyers always "remain under the political control of the movement" (Madlingozi 2014: 120). Benjamin further argued that the involvement of lawyers never contributed to worsening the relationships between street traders and the City: "There was never engagement anywhere. Come with a situation where you can tell me it was resolved in the favour of informal traders. It doesn't exist in the history of South Africa". This is an alternative version of the history of the relationship between the City and street traders to the one put forward in this dissertation, which characterises the period after Operation Clean Sweep as a particular impasse. I remain aware, however, that during my relationship with Benjamin I served a particular utility to the leadership of SAITF as I was leading SERI's advocacy efforts with the City of Johannesburg. As a result, I "took orders" from SAITF's leadership as much as my lawyer colleagues. It was important for Benjamin, who was aware that these advocacy efforts were shaped by what we were told by street traders themselves, to convey simple, stark and even polemical accounts of the relationship between the City and street traders; he understood full well that such accounts made for stronger advocacy positions. Despite Benjamin's bleak account of the history of the relationship between street traders and the City, I shared in enough quip-filled tea breaks and good-humoured side conversations between him and City officials to know that optimistic engagement, albeit often informal and unproductive, remains a crucial tool through which street trader representatives communicate with the City.

Benjamin has understood his involvement in street trader politics, and the function of informal trade organisations, as fundamentally assistive, or even welfarist – changing the patterns of distribution in an economic context that he quickly came to understand

---

<sup>29</sup> Abahlali baseMjondolo ("those who live in shacks") is a shack dwellers movement based in Durban. Abahlali, which campaigns for land, housing and participatory local democracy, celebrated its 10<sup>th</sup> year in 2016, making it among the most resilient post-apartheid grassroots social movements in South Africa.



as severely unequal and oppressive. He felt that the best avenue to achieve this change, however, relied on the mistrust of the state: traders should always expect the worst from state interventions and engagements. For Brian, this was an expectation incubated in the historical struggles of street traders. Confidence should instead be put into the professionalisation of the ways in which street traders organised themselves, and the ventures and agreements opened up that professionalisation, with individual government departments if necessary, but often with private businesses.

## **5.2 Outliving the mines and waiting for socialism: Tshepo's business at Noord Street**

Tshepo, a rangy man in his early 40s, with dark drowsy eyes usually peering out from beneath a peak-cap, was my primary guide around Johannesburg's street economy during the course of my fieldwork. This guidance began through an introduction during my work for SERI, but continued into my research for this dissertation. A brief account of Tshepo's arrival as a street trader in Johannesburg and his current business and outlook are instructive here as it suggests at the manifold experiences which constitute the street economy in the inner city, some of the social relationships through which that economy is reproduced, and the complex ways in which the traders who populate it understand the government which manages it.

Tshepo is originally from Grasmere, near to Soweto south west of Johannesburg's inner city. He runs a stall at the Noord Street market, where he has traded since the turn of the millennium and is now a prominent figure in one of the larger organisations that organise and represent informal traders operating in the city. His arrival at Noord Street reflects a very different trajectory to the common narrative around the growth of street trade in Johannesburg, which tells of previously excluded black entrepreneurs that benefited from the opening up of the inner city ushered in by the deregulation which began in the late 1980s and continued into the democratic settlement (Beavon 2004; Tissington 2009: 26-7). For the most part, Tshepo did not witness this hectic rush to the city during the early 1990s, which was brought about largely as a result of the relaxation of apartheid-era influx control, and the freeing up

of trade in urban spaces after President Piet Botha's administration's compliance with "a global ideological shift from direct state control to economic liberalism" (Pernegger 2016: 196).

During South Africa's transition in 1994, Tshepo was working in an engineering department of a gold mine on the mining belt south of Johannesburg, where he specialised in lathing and cutting machine parts. Almost two decades after he was retrenched in 1998 he still describes the lathe with a smile as "my machine". Having risen from the rich deposits of gold deep below the surface of the Witwatersrand, and on the backs of the masses of black migrant workers who mined it, Johannesburg was flush with mining jobs throughout most of the apartheid years. But, in circumstances that might be described as geological cruelty, the erosion of the white minority's centuries old grip on political power in South Africa went hand-in-hand with the depletion of some of the mineral resources by which that power had been accumulated and reproduced. By 1980, most of the Witwatersrand gold mines had been mined out, and the majority of gold mining is now found on the West Rand and the Free State (Beall *et al* 2000: 6). This is reflected in the constant decline in the number of mining jobs in Johannesburg over the period. In 1970, mining employed 35 956 people, 5% of all jobs in Johannesburg (Department of Statistics 1976: 173-174). By 1991, this had fallen to 21 603, only 2% of all jobs in the city at the time (Central Statistical Service 1992: 169, 177).

Tshepo was one of the later victims of gold mining's prolonged decline in Johannesburg's economy. The contribution of mining to the city's total employment dropped from 24% in 1980 to 13% in 1996 (Beall *et al* 2002). The city did, however, survive the boom-bust cycle of a mineral economy, and grew apace, both spatially and economically. Its economic growth between 1996 and 2009 averaged of 4.5% annually, well above the national average of 3.3% and more than any other metropolitan area (Harrison & Zack 2012: 564). This period of economic growth has been described as 'jobless' by some economists, however (Terreblanche 2003), and the sectors which took the place of mining in Johannesburg – services, finance and tourism – largely excluded workers whose skills were largely limited to the mines

(Krige 2012: 25). It was in this new Johannesburg, whose diversifying and flexible economy had left mining behind, that Tshepo was forced to follow suit.

In the first few weeks after his retrenchment, Tshepo spent his days hanging out with a few friends who had been trading on Jeppe Street. It wasn't long before he exploited the relatively low set-up costs and low barriers to entry to the street economy to start selling sweets, cheap toys and cell-phone covers. He says that, since then, his business has responded to the needs he has discerned amongst the pedestrians who pass through the Noord Street market every day. The sweets, toys and cell-phone accessories had worked as start-up stock with a low capital demand, and which would not present too costly a blow were they to be confiscated by metro police. When starting out on Noord Street, Tshepo was not trading from a designated stall, and was at heightened risk of stock confiscation as a result.

Tshepo's low wooden table now displays mostly safety boots and padlocks. His most regular customers are men working in construction. During the early stages of my fieldwork, while I was still an unfamiliar presence on Noord Street, I would often arrive at the stall unoccupied – the stock displayed, but with nobody there to sell it. I soon realised that it was, however, under Lawrence's watchful eye, and that safety boots were still being sold in Tshepo's absence. Indeed, Tshepo was not as absent as I had first thought. He later explained to me that he had secured a position as one of two security managers at a City of Johannesburg-run care facility. Tshepo and the second manager alternated weeks in which they were responsible for security at the facility. During his weeks working as a security manager, Tshepo would entrust the management of his stall and the sale of his goods to Lawrence. The two agreed to split the profits made at the stall during this time between each other.

Tshepo's arrival at Noord Street speaks to the various macroforces in which the micro social practices of street traders are embedded. In his case, the familiar story of deregulation was not what brought him to the street, but instead the collapse of Johannesburg's gold economy. His double income speaks to the ways in which street traders are often embroiled in what is conventionally understood as the formal sector, and how the maintenance of social relations facilitates their continued business on the

street. Tshepo's view of the City speaks equally of the manifold understandings of the municipal government that manages their livelihoods. Far from escaping the purview of the state and its attendant regulation, according to commonly held perceptions of the informal sector. Tshepo makes explicit calls for its increased involvement in the lives of street traders.

As a young man, Tshepo was actively involved in anti-apartheid organising in Soweto. His understanding of his place as a street trader, and his relationship to the state as such, has its direct roots in this time. As a member of the South African Communist Party (SACP), Tshepo is well versed in Marxist political economy. The organised component of informal traders in Johannesburg is indeed well represented by SACP members. Tshepo shares a lament with some of the other SACP members I spoke to during my fieldwork for the protracted arrival of socialism in democratic South Africa. The ardent communist that he is, Tshepo might agree that his choice to take up the position as the security manager mirrors what some neo-Marxists have called the transition towards proletarianisation of the informal sector in urban areas, which sometimes takes the form of "temporary casual work undertaken by petty producers for wages when their earning ability is restricted by the narrowness of the market and their increasing numbers" (Moser 1978: 1060).

In contrast to many other traders with whom I spoke, who see themselves as 'businessmen' or 'entrepreneurs' "contributing to the economy and the GDP," Tshepo is instead explicit about his place amongst "the working class". Tshepo's hard left line extends to his expectations of the state, and again counter to the policies that state has put together to oversee his livelihood. The City of Johannesburg's Informal Trading Policy, for instance, takes a decidedly mainstream stance on street trading, which recognises its "positive development in the micro business sector" and seeks to "enable access to job and entrepreneurial opportunities within the informal trading sector" (City of Joburg 2009: 3). And the City has on numerous occasions stressed the aim that the informal trading sector should be made "commercially viable" (see, for instance, City of Johannesburg (22 May 2014)). Tshepo has far more interventionist expectations of the state. He does not see jobs or opportunities as the

responsibilities as the primary role of the state, but rather the protection of the working class from poverty.

Views of the state from the street are as heterogeneous as the street traders who hold them. Indeed among only two members of the leadership of only one informal trader organisation, as I have profiled in this chapter, strong views on the local state are as varied as Benjamin's foundational mistrust of an inherently repressive machinery out to end street trade, and Tshepo's nostalgic patience for an emancipatory project that will eventually lift street traders into full employment. I have chosen to tell the stories of these two men for two reasons: I spent a great deal of time with each of them respectively and had a better grasp on their understandings of the state, and, their two views can be said to capture two poles of the traditional political spectrum. Benjamin holds a strong right-of-centre belief that the less government is involved in street traders lives, the better, while Tshepo advocates a left-of-centre view that strong government involvement in street traders, in fact, represents their only chance of a decent life. The continuum along which street traders' views of the local state can be mapped, however, is of course even more diverse than the views of these two men can capture. For one, the evidence in this chapter lacks any complex gendered perspective of the state and its role in the lives of street traders.

In the following chapter, I reverse the locus of my analytical perspective in an attempt to account for how the state understand the street, and account for the machinations and motivations underlying its engagements and interventions with street traders.

## **Chapter 6. SEEING FROM THE STATE**

*Important here is an understanding of urban regimes as neither coherent nor monolithic: public professionals and politicians involved in urban development processes also have agency, may be part of broader actor coalitions, or work within a fragmented and possibly contradictory policy environments.*

Watson quoted in Harrison (2014: 70)

*The nine most terrifying words in the English language are, “I’m from the government, and I’m here to help.”*

Ronald Reagan

James Scott has argued that the primary work of the modern state is to render society more legible, and therefore more open to documentation, taxation and extraction. He suggests that,

“Officials of the modern state are, of necessity, at least one step – and often several steps – removed from the society they are charged with governing. They assess the life of their society by a series of typifications that are always some distance from the full reality these abstractions are meant to capture... The functionary of any large organisation “sees” the human activity that is of interest to him largely through the simplified approximations of documents and statistics” (1998: 76-77).

For Scott, modernist schemes are used by the state to achieve this simplicity. In urban contexts, these included planning schemes which detested “mingling” and valorised order through the “separation of pedestrian traffic from vehicle traffic”, resulting in “the death of the street” (1998: 109).

James Ferguson (2005) has pointed to the limits of the contemporary applicability of Scott’s frameworks, however. He argues that Scott’s suggestion that modern states are involved in a constant process of standardisation and homogenisation must be updated to accommodate contemporary political-economic developments by exploring “how different the political-economic logic of the privately secured enclave is from the universalizing grid of the modernist state” (2005: 378). He suggests that the way

in which capital selectively “hops” between mineral-rich African enclaves, for instance, is not produced by “the formation of standardized national grids,” rather speaks to “the emergence of huge areas of the continent that are effectively ‘off the grid’” (2005: 380).

Lipietz, on the other hand, has suggested that explanations of the state that stress the implacable logic of capital, such as Ferguson’s, “fail to address the context of chaos and confusion within which decisions are made and purportedly implemented” (2004: 2). This echoes Gupta’s argument (2012), which I explored briefly in Chapter 2, that conceptions of bureaucracy should be reconfigured to include an inherent chaos.

In the remainder of this chapter, I discuss the City of Johannesburg administration, particularly in the context of the management of street trade. Using Scott’s argument that the state is fundamentally concerned with the legibility of society as a starting point, and remaining cognizant of critiques which suggest that the extractive logic of capital is a more appropriate contemporary analytical framework, as well as arguments that foreground the internal chaos of bureaucracies, I suggest a tentative framework through which the City’s motivations and actions during Operation Clean Sweep might be understood.

## **6.1 The City of Johannesburg: The illegibility of government**

The City’s management of street trade in recent years has included different parts of the general continuum of state responses (Benit-Gbaffou 2015: 15) to informal livelihoods – focused large scale evictions like Clean Sweep, low level continued harassment, particularly by JMPD officials (see Webster (2015)), and adverse inclusion in planning and development processes, as discussed in Chapter 4 of this dissertation. While the litigation that followed Clean Sweep was undoubtedly a triumph for the protection of traders’ basic rights, and has afforded traders a more authoritative place at the negotiation table, it has also had the effect of calcifying already strained relationships. Attempts to move towards participatory and problem orientated planning in the City’s approaches have largely failed, echoing experiences

from elsewhere on the continent (see, for example, Lyon *et al*'s (2012) account of approaches to street trading in Tanzania).

Unpacking the persistent antagonism between local government and informal street trade, particularly in order to shed further light on the current impasse, requires an exploration of the workings of the City. These workings are difficult to come by, however. A lack of access to the processes behind the City's decision making has been experienced by other researchers working on street trade (see for example Bénit-Gbaffou (2015)), but was particularly pronounced in my case considering my association with SERI, an organisation which litigates against the City on a regular basis. After repeated attempts, it became clear that speaking to officials directly responsible for the management of street trade in the City's Department of Economic Development (DED) would be impossible. As a result, my conclusions in this section, and regarding the City's workings more broadly, are drawn from a world of imperfect knowledge. In the absence of direct discussions with DED officials, I have relied on four other sources in this regard. The first is an analysis of some City documents and recorded meetings that explicitly concern street trade in Johannesburg's inner city. The second is conversations and interviews with City officials from other departments and agencies, and especially the Johannesburg Development Agency (JDA), who do various work in the context of street trade. The third is what former officials themselves have written about the functioning of the City (see for example Dinath (2014), Harrison (2014) and Pernegger (2016)). And the fourth are my personal observations during engagements with the City during my SERI work. These included both engagements directly between the City and SERI during the course of advocating for the adoption of different approaches to the management of street trade on the back of SERI research, as well as engagements between the City and informal trader organisations which I attended (these are described in greater detail in Chapter 4).

Dinath (2014: 247-249) suggests three interrelated systemic barriers that explain the antagonisms with informality at the municipal level. The first concerns political imperatives and the City's need to visibly display competence to its constituents as well as a commitment to the pursuit of global competitiveness. Here it is worth



quoting Phil Harrison, a former Executive Director of Development Planning and Urban Management in the City, at some length to call attention to the complex results of the City's attempts to balance its 'political imperatives' and 'commitment to global competitiveness' – simultaneously delivering services and development to its poor voter base, and protecting the economic and investment interests of its affluent rates base:

“My experience in Johannesburg was of a local state struggling to mediate between the demands of its primary political constituency, the mainly black urban poor, and of its main source of revenue, the mainly white middle class. Rather than pursuing a coherent neo-liberal agenda, the local state was involved in an agonistic response to diverse pressures and interests, which led, at times, to repressive outcomes but also at times provided real space for programmes and actions that directly addressed the concerns of the urban poor” (2014: 70).

The second systemic barrier identified by Dinath concerns institutional systems of local government, which govern the actions and choices of officials. In this regard, Harrison has expressed “frustration with having to plan within the constrained context of budget cycles, performance management systems and political instruction” (2014: 68). Tolerance for informality is made almost impossible by the ways in which municipalities function, as officials and departments are remunerated and retained according to a performance management system that promotes short term, finite and tangible deliverables. Once off visible capital investments, rather than extended programmes with a long-term view of accommodating greater flexibility and informality in the inner city, are ingrained in this institutional set up.

The final barrier concerns conflicting interpretations of the inner city by officials themselves. Dinath submits that a tension between conceptions off the inner city as a place that must not get out of hand, and remedied on a daily basis, and visions of an accessible, affordable, and inclusionary inner city to which informality should be constitutive. Harrison's experience of the City's administration confirms that decisions are always taken on a shifting terrain of contested approaches:

“My experience was also of enormous complexity within the local state with constant friction and variability as elected and appointed officials, with a range of orientations and interests,

and responding to changing pressures from within and without the city administration, sought to influence policy directions, budget allocations and programme implementation” (2014: 70).

Watson’s observation, quoted at the outset of this chapter, that “public professionals... involved in urban development processes also have agency” is an important one in this instance. It is clear that there are not only contestations *between* the visions identified by Dinath, but *within* them as well. Harrison, for instance, whose approach to planning is largely emblematic of the second vision, lamented that

“If I had benefitted from the ontological defence provided by speculative realism, I may have been more confident in my attempts to link intellectual support to an engagement with the materiality of the city. I may have argued the case for policy reform more effectively while remaining open to the speculative question: ‘What if things were otherwise?’” (2014: 78)

Contesting visions of the management of street trading in particular are rife in the City administration, according to Michael,<sup>30</sup> an official working for the Johannesburg Development Agency (JDA). He characterised these contestations as largely between officials looking to secure further rights for street traders, and officials for various looking to maintain a status quo in which traders rights are limited, or to further limit those rights and traders access to public spaces. He considers himself one of the former, but told me that the most common fault line of these contestations concerns officials’ proximity to the management of street trade:

“My personal experience and my observation is that the people that are largely supportive of securing rights for informal traders to support livelihoods are not directly involved in its day-to-day management. You are either thinking about strategies or planning to further support it. That has, I think, created some distance between us and the reality. So it’s almost, call it an ‘in principle’ ideological support that we agree with. And maybe that’s been formed because we are not tasked with the day-to-day management and some of the realities behind it. So we get to, ourselves, powder coat some of the reality because we are pursuing a good, a goal, a right, as opposed to the day-to-day.”

In the impasse between contesting visions, and indeed in those resulting from the partial nature of certain visions, as highlighted by Harrison above, political

---

<sup>30</sup> Michael asked that he be kept anonymous. Michael is not his real name.

expediency and budgetary limitations tend to determine what is implemented in the name of inner city regeneration. The spaces opened by institutional deadlocks also often result in the capture of administrative power by individual officials. Michael suggested to me that this has especially been the case with regard to the City's management of street trading:

“So that's unfortunately the way that we're made up is that people become the point person for something, and we further grant them greater institutional power beyond what is maybe rational. Because no one else is doing it, so Siphelile<sup>31</sup> is the go-to-guy. And then, in time, no one threatens his authority; he is the authority, even though we know there is a high level of weakness... And it's what we do. You say, “There's a point person. I'm under pressure, I've got to deal with my... So you're the guy.” And then I give it to you, I empower you, I empower you by virtue of my own under resource. That's not a proactive, evil thing. It happens institutionally over time.”

The centralisation of administrative authority as a result of institutional weaknesses often has adverse outcomes. Michael described the “*modus operandi*” of street trade management in Johannesburg as one of a “headman” or “gatekeeper”, in which access to the administration is closely monitored and limited according to the personal gain of officials. What is important to notice here is how administrative power has the potential to relocate from the ‘bureaucracy’ – the City of Johannesburg, or the Department of Economic Development, or even the department's Informal Trading Directorate – and into an individual. What follows is that interventions into the lives of street traders by the City have the potential to result from the motivations of individual bureaucrats, instead of from any political, developmental or institutional rationale of the City itself. This is a further example of how the elevation of private concerns to the level of public concerns comes to shape the management of street trade in Johannesburg. In Chapter 3 I suggested a contrasting example of the elevation of private into public interests in this context through a discussion of the City's concession to aesthetically driven development as determined by elite private interests.

---

<sup>31</sup> Siphelile is responsible for the Informal Trade directorate in the City of Johannesburg's Department of Economic Development. As a result, he oversees the creation of informal trading by-laws and the implementation of the Businesses Act, and particularly the granting of street trading licences.

A private developer with whom I spoke during the course of my research echoed Michael's account of officials in charge of the management of informal trade. While developing an industrial estate, the developer was tasked with declaring parts of the precinct as a no-trade zone, a power given to municipalities by the Businesses Act. The declaration took two years to finalise, and the processes required of the developer by the municipality were apparently opaque. After meeting with Sipehelele, however, it became decidedly easier. While the developer said there "was no direct request for a bribe", he "certainly felt that that was the direction that things had been taken in." After some informal transactions between the developer and Sipehelele in which the developer "paid for [Sipehelele's] petrol" and "bought him a few cold-drinks" (both shorthand for the payment of a bribe), the City granted the no-trade zone. In this instance, a key administrative function with regard to the management of street trading was conducted in an irregular fashion due to the centralisation of administrative authority.

Dinath's third barrier also speaks to the ways in which City officials are exposed to and convinced of planning, management, development and governance methods and practices. Harrison notes, for instance, that during his time at the City, internal dialogue often came to nothing, while the "powerful illustrative example" (2014: 74) presented by study tours abroad made the biggest difference in the minds of City officials. In particular, he cites tours to Brazil focused on informal settlement upgrading, and transit orientated development focused tours to Brazil, Columbia, the USA and Europe.

## **6.2 Aesthetics as a grammar of legibility**

The processes I introduced at the outset of this chapter are all at play in the City of Johannesburg's management of street trade. Firstly, the internal workings of the administration have a direct bearing on the interventions eventually made on behalf of the City. Adverse interventions by the City in the lives of street traders are often the "effect of un-imaginative responses to (desperate attempts at times at) dealing with contingency - in a highly complex, fastchanging, and chaotic (let alone violent)

inner city environment” (Lipietz 2004: 2). Bureaucratic bottlenecks often result in administrative power relocating from the institution and into individual bureaucrats. This means that individual motivations at the administrative level can eventually translate into material effects in the lives of street traders. Further, the administration’s internal anxiety to convince elite constituencies through immediate and visible interventions often comes at the expense of developmental efforts. In the first proposal of Operation Clean Sweep, contained in a 2012 report published by the Office of the MMC, the City objected to the “major legal impediments to effective by-law enforcement” (2012: 5), and lamented that City officials often “get lost in a tangle of red tape” due to the legal obstacles getting in the way of them and their work from which they “need to be freed to do what they need to do” (2012: 3). The disastrous operation was as much an expression of the persistence of modernist antagonisms with informality as it was of local government structures set-up in such a way as to deliver on the City’s anxiety to make visible, if not sustainable, interventions into the *agora*, and thereby into the public imaginations and opinions which have the power to hamstring the municipality, either with votes or the withholding of rates and taxes. Indeed, the inner city urban management team is assessed annually on the number of block-by-block clean-up blitzes it manages to carry out in a year (Dinath 2014: 247).

Secondly, and as others have argued, sectors of South Africa’s urban population have been marginalised through the establishment of a “corporate governance” paradigm of local government (see for instance Bond (2000)). I detailed in Chapter 3 the compact between the City and elite private interests in the development of the inner city. Michael, who I have already quoted in this chapter, told me of how the need to satisfy powerful constituencies often delayed the JDA’s work on other projects. Instructions often came down from his superiors that current work must be suspended and attention re-focused toward other projects, usually of interest to either large-scale property developers or ratepayers associations. In this regard, the logic of capital as represented by property development cannot be discounted when considering how the relationship between street traders and the City of Johannesburg functions.

Finally, I return to Scott's argument that modernist schemes and simplification are used by the state in order to render society legible and thereby manipulable. For Scott, the logic of control and aesthetics often underpins state impositions of simplicity and order. Little more needs to be said of the City of Johannesburg's drive to impose order onto the street economy in the inner city. I have profiled the *motif* of 'crime and grime' at some length in Chapters 3 and 4, the eradication of which was both the express intent of the City both during and after Operation Clean Sweep. The City went so far as to argue in the Constitutional Court that were street traders allowed back to their trading stalls, "chaotic, uncontrolled and illegal trading with its concomitant crime and grime [will] be permitted to return to the streets of Johannesburg" (SAITF: 17). Certainly, when material change in the lives of street traders is used as a gauge, the modernist impulse seems to be the most dominant feature underlying the City's management of street trade.

I would hesitate an amendment to Scott's argument in this regard, however. It is first necessary to recall two features of the City's management of street trade before, during and after Clean Sweep. The first, and this has been documented extensively (see Benit-Gbaffou (2015) and Webster (2015)), is that the City has never conducted any representative survey of street traders in the inner city, nor has it shown the inclination to do so. Indeed, it seems to have offered a fair amount of resistance to long-standing advocacy for it to do so, especially by academics at the University of the Witwatersrand (Benit-Gbaffou 2015). The second is that Operation Clean Sweep was entirely indiscriminate of street traders registration status: both lawfully registered and 'illegal' traders were evicted. Both of these suggest that the grammar of legibility used by the City of Johannesburg is different from the one theorised by Scott, which relies fundamentally on *documentation*. It is quite clear that the documentation of street traders is neither a priority for the City of Johannesburg, nor is it the determining feature of their manipulation. Legibility for the purposes of implementing modernist schemes in inner city Johannesburg is more representative of the type that has been described in the context of slum clearances in Indian cities (see Ghertner 2011). Instead of documenting street traders, which it must be said would be a complex and expensive endeavor, the City "crafts fields of intelligibility by disseminating standardized aesthetic norms. Spaces are known to be illegal or

legal, deficient or normal, based on their outer characteristics” (Ghertner 2011: 288). The grammar of aesthetics, or aesthetic ordering of the city, still provides “an overall, aggregate, synoptic view of a selective reality” (Scott 1998: 11), but allows the City to determine “the legality... of space... from a distance and without requiring accurate survey or assessment” (Ghertner 2011: 288), pursuing modernist schemes and governing from afar.

Rendering street traders legible through a grammar of aesthetics rather than accurate, and expensive, baseline surveys or statistical simplification allows the City to avoid accommodating the messy and complex realities of Johannesburg’s street economy into its decision making. In Chapter 4, I outlined the City’s antagonism against including any research which foregrounds these realities into its planning processes. It is to these messy realities and the domain of street traders’ everyday experiences of the City of Johannesburg’s management of street trade that I now turn.

## **Chapter 7. SEEING FROM THE STREET: THE EVERYDAY PRACTICES OF STREET TRADERS**

*The public space – the sidewalk and street peace – of cities is not kept primarily by the police, necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves.*

(Jacobs 1961: 31-32)

### **7.1 On the allocations of trading space, kinship networks, and the importance of bribery**

A central concern of Johannesburg street traders, as elsewhere, is the security of their tenure. The policy that manages trade in Johannesburg apportions controlled tenure security through the allocation of trading spaces in the inner city on a one-trader-one-stall computerised system (City of Johannesburg 2009). In reality, however, trading spaces are often not parcelled out as bureaucratically and impersonally as the policy envisions, but rather according to a more complex set of social relations, some of them centered on kinship networks and the generational transfer of livelihood opportunities, and others organised more hierarchically through a knotted system of bribes to local authorities or trader organisations.

Ronnie Seloma's story is a commentary on the mismatch between the City's technocratic approach in policy and the messier everyday experience of gaining a trading stall. Ronnie lives in Johannesburg's inner city near to his place of business on the Kerk Street linear market where he sells make-up, jewellery, and hats. Ronnie secured his stand 12 years ago through informal relations employed to gain a foothold in Johannesburg's street economy. New to Johannesburg from rural Kwa-Zulu Natal, one of the first steps Ronnie took in his new city was to make contact with an acquaintance of his father's who had a position as a block leader for one of the more prominent trader organisations operating in the inner city. After making contact with the family friend, and paying a not unsubstantial amount for somebody



new to the city and without a regular source of income, Ronnie was able to circumvent the precarious and laborious bureaucratic procedures required to obtain a trading space. Avoiding an allocation process that is rendered something of a lottery by severely limited inner city trading space in the face of staggering demand, Ronnie quickly secured a space together with the paperwork to show that he had ostensibly done so legally. Ronnie has continued to nurture his relationship with his block leader, including through occasional favours paid in small cash or meals. As a result, he reports a comparatively negligible level of harassment from JMPD officials, who he says resolve any issues directly with his block leader.

## 7.2 Bureaucracy in the life of a trader

*Maintaining a free market economy required a thousand times more paperwork than a Louis XIV-style absolutist monarchy.*  
(Graeber 2015: 9)

It should be stressed that as much as there is no single account of the history or management of street trading in Johannesburg, so too is there no single account of the City from the view of traders. While there are numerous examples that highlight this point, two will be sufficient, each of which can be said to represent an extreme of a continuum along which the manifold perceptions of the City held by street traders can be mapped.

50-year-old Ivy Malakoane, who sold hot food at the Hoek Street linear market, was angry with the City administration for charging her for her water usage on top of the R200 monthly rental she paid to the JPC, for which she said she received “nothing in return.” Of the JPC, she said: “they do not care about us, they only care about money.” She was referring to the JPC’s successful rent collection, but reticence regarding the numerous queries she had addressed to the entity regarding its inadequate provision of water and waste disposal services. This complaint – that the City collected rent efficiently while delivering the services which that rent was intended to secure deficiently – was fairly common during the research I conducted for SERI (Webster 2015). Ivy went on to describe the JMPD as “*tsotsis*,<sup>32</sup>” claiming

---

<sup>32</sup> Street-level criminals.

to have photographic evidence of the various ways in which police officials “break the law every fucking day.”

Ivy’s view of the City, its agencies and its officials is in direct contrast to Tayamya Tandoss, a man in his 30s who was also trading from a linear market, selling sneakers at his wife’s stand on Kerk Street. Tayamya gave something of an ideal account of the City’s management of street trading. He says that he had “never had any problems” while dealing with the City, saying that he and his wife had been left undisturbed to earn their living. He told me that the only time street traders were ever confronted by JMPD officials was when they were trading in illegal or counterfeit goods, in which case their goods would be confiscated.

These competing visions of the City call attention to the fact that it is more than an administrator; it is one part of a relational interaction. To a large extent this relationship is mystified by biases against informality which use the tumult of Johannesburg’s inner city sidewalks to corroborate views of informal street trade, and the informal economy generally, as operating according to some hidden and frenzied logic of its own. One way of illuminating the relationship is by considering the social function of non-human actors, like texts, in the lives of traders. In this section, I provide some brief ethnographic vignettes of traders’ experiences of the agencies managing their businesses, and the administrative documents, processes, and struggles implied in these experiences, in order to suggest how the myriad and contested trader-state relationships are captured in the administrative texts (or bureaucratic documents) central to informal traders in Johannesburg.

### **7.2.1 Administrative texts**

The most important administrative documents are the smart card and lease agreement, both set out in the City’s informal trading policy. The lease agreement outlines the rental agreement between a trader and the City for a designated trading site, while the smart card, envisioned as an essential administrative tool for informal trade, provides biographical information of traders and identifies the goods and

services a trader sells and where they sell them. Most often it is the later with which traders are required to prove the legality of their business to JMPD officials.

As a result, informality is bifurcated among Johannesburg street traders, with some traders enjoying what would ordinarily be considered formal protections – policy provisions for service and infrastructure delivery, rights delineated in a by-law, and the representation and protection of a trade organisation<sup>33</sup> – while others do not. Nothando Moyo, for instance, is an unregistered trader and does not even know what blockleaders are, let alone is she able to utilise the relationships with trader organisations and City officials at blockleaders' disposal. Her inability to access any bureaucratic body responsible for decisions and actions that have such a direct effect on her livelihood has been a source of great frustration for her. She sells an assortment of small and easily moved products in order to quickly escape JMPD officials if the need arises. During our discussions hunched on the sidewalk of a bridge running across Johannesburg's central railways, Nothando would arrange and rearrange small bundles of pens, hand towels, earrings, steel wool and insect repellent on the hessian sheet laid out in front of her, with her back against the pedestrian barrier of the bridge. She had long been eager to diversify her business offerings in the hope of bolstering her meagre monthly earnings, which she sent home to her family in Zimbabwe. The regular raids of JMPD officials made such expansion difficult however, and, without the protection of a block leader, she was consigned to selling goods that allowed for quick getaways, or small bribes of R5 and R10 if she could not. Unable to get a trading stand of her own due to the limited spaces for legal trading in the inner city, she could not register and obtain the documents she thought would put an end to the police harassment.

---

<sup>33</sup> A thorough discussion of the various informal trader organisations active in Johannesburg's inner city is beyond the scope of this research. However it is important to note here that the inclusion of unregistered street traders is a divisive issue among trader organisations, with some advocating for their inclusion in the City's informal trading agenda, and others, which see unregistered street trade as a serious threat to their livelihood and as being mostly conducted by foreign nationals, for a tighter clampdown on their activities and removal from the sidewalks. See Benit-Gbaffou *et al* (2014) for a comprehensive overview of Johannesburg informal trader organisations.

Maketha and Rubin (2014) have suggested that this distinction, between licensed and unlicensed traders, constitutes the fundamental fault line along which traders' experiences of informality are decided. Licensed traders, they suggest, receive less harassment, are not very interdependent, charge higher prices because of the costs of permits and rent, and resent the "limits of their formality". This neat distinction does not play out on the ground, however, and an analysis that begins in street traders' experiences suggests multifarious experiences of informality, which, while at times may be informed by the whether a trader is licensed or not, are shaped by innumerable perceptions and procedures mediated in social engagements between traders and representatives of local government.

During the height of influx into Johannesburg's previously white-only inner city areas, and at the height of the deregulation of informal trading in 1990, Nora Msibi set up a stall outside of the MTN taxi rank. She has turned it into a relatively successful venture, and raised her five children, who she still supports, on the R4000 she made every month selling mainly sweets and cigarettes. Sweets and cigarette stalls are fairly common in the inner city, but have high turnover. Most vendors trading in these small commodities must replenish their stock daily (which is not the case for the majority of traders), and often supplement the sweets and cigarettes with matches and lighters, airtime vouchers, and jewellery. She acquired a smart card after MTC "found [her] there" and informed her of the requirements. Despite paying R100 rent every month, Nora says she has not signed any lease agreement. Instead she uses slips issued to her by MTC to gauge her rental obligations. While the unsteady documentary condition of Nora's security of tenure does not reflect in her views on her current relationship with the administration – she believes that dealing with MTC is an easy process so long as a trader has all of the relevant documentation, such as her ID – it reflects in the way she speaks about the future. When asked about future of street traders in Johannesburg, and whether she feels her business is secure in the long run vis-à-vis the City's plans for the management of informal trade, she says that, "It's like gambling: last year they were chasing [traders] away. What kind of future can you expect?"

Anna Chauke works at her mother's small stall near to the MTN taxi rank, where the high footfall has been good for her business. The stall, from where they sell a variety of fruits and vegetables, comprises a series of crates stacked into a support structure covered by a large plywood board, all under the punctuated shade of a tattered gazebo. While we talk, Anna regularly sprays the produce with water from an old soda bottle, with a lid perforated for that purpose, so as to keep it cool and gleaming in the lunchtime sun. The fruit and vegetables sold at the stall bring roughly R3000 into Anna's mother's pocket every month. Among other things, she uses the income to support her seven children.

Since she began trading "many years ago", Anna's mother, unlike the majority of fruit and vegetable vendors who buy their stock early every morning at the central fresh produce market, has received her stock from a small scale farmer from the outskirts of Johannesburg. The farmer also initially organised a trading space for her from the City, navigating all of the paperwork and fees.

Anna's mother embodies some of the irregular relationships between management, policing, and informal trade. While she has been issued with a smart card, she does not know what a lease agreement is, much less is she aware of ever having signed one. Despite this, she pays a monthly rent of R100 to the JPC for her trading space. Despite not possessing the key administrative and legal document for using public space as a source of livelihood, her relationship with both the JPC and the JMPD seem to be very good. Indeed, in contrast with the majority of street traders interviewed during the course of my fieldwork, she says that her goods have never been confiscated and claims that she has never seen the police breaking the rules in any way.

There are a few ways to understand her seemingly inconsistent relationship with the authorities that oversee Johannesburg street trade. The first is that the documents and contracts traders are required to navigate in order to obtain trading sites remain inaccessibly technical and lengthy, and are exclusively written in English and legal jargon. Indeed, many traders remain unaware of having signed a lease agreement, and what they may have consented to therein, despite paying monthly rentals to JPC.

Some traders also tell of being refused when requesting further information regarding agreements they have signed, with JPC officials telling them either that “the queue is too long” at the office, or simply that if they want to trade, they must sign the agreement. It may well be the case that Anna’s mother, without being fully aware of it, has indeed signed the lease agreement in terms of which she pays a monthly rental. A second is that traders often come by their usually insecure tenure through processes and arrangements outside of those provided for by the City’s policies (see Webster (2015) and my discussion in this report on the social transfers of trading sites, for instance).

Anna has a less obliging view of the authorities managing street trade, and has laid direct complaints, through her block leader, to the JPC regarding the lack of City-provided-shelter from the rain. She is also vocal about the establishment of fixed stands and provision of better security, which she feels would vastly improve her and her mother’s experiences and livelihoods.

And so the spectrum of City-trader relations is suggested already in the experiences of two women working at the same stall. Anna is frustrated at the poor levels of infrastructure and security provided for her mother’s business, and has utilized the avenues open to her to vent this frustration. Her mother, on the other hand, claims to have good relationships with both the managing agency – despite paying them a monthly rental, which, to her mind at least, has no official contractual backing – and the police – despite having been forcefully removed from her stall on at least one occasion.

Kgomotso Matlaile reports making roughly R3000 from the fruit and vegetables she sells outside of the MTN taxi rank. Kgomotso came by her stall hereditarily when her mother passed away in 2003 and passed it on to her. She struggled to get a smart card of her own at that time, as the MTC (then still responsible for the management of street trade) refused to issue it before her mother’s outstanding debts were paid. Despite the debts never being paid in full, she eventually managed to get one, which she says shows that “[she] belong[s] here [and has] a right to be here.”

Unlike Anna's mother, Kgomotso is well aware of having signed a lease agreement for her trading space, and says that "if [she has] anything, [she knows she] must have a lease". She says that she signed the lease agreement to protect herself in the future, and that she needed it in order to get her smart card. She is deeply unsatisfied with the return on her monthly rent of R100, however, and feels that she gets "nothing for it", accusing MTC of being "selfish" and "overly concerned with money". Her grievances are largely concerned with the agency's failure to deliver the basic services and infrastructure that she understands to be the condition of her rent – shelter, toilets, and water.

### **7.2.2 Constructing legality and legibility**

Relationships between street traders and City officials are not only mediated through texts (or bureaucratic documents), though. Often they rely on more elaborate performances of legality on the part of a street trader. These highlight that a street trader's legality is not the result of the necessary bureaucratic implements alone, but is frequently the outcome of a nexus of constructions, including cleanliness, financial accountability, and responsibility. This echoes observations elsewhere in South African cities that informal traders' experiences often underscore a gap between the social experience of law and a systemic concept of legality (Schraten 2013). Elizabeth Sitholo, for instance, a 70-year-old woman from Soweto who sold hot food at the Hoek Street linear market, told me she had learnt that using a range of tactics to prove her legality to officials if the necessity arises is often more effective. Some of these are textually dependant – she produced her smartcard on request, as well as the receipts for the rent she has paid to MTC. She also immediately took officials around her trading site, showing them that it was clean and that she had a working fire extinguisher on site in case of any emergency that may result from the open gas flames and hot oil. Other hot food sellers at the Hoek Street linear market, like Ivy Malakoane, echoed this multi-pronged strategy to the construction of their legality in the eyes of police officers.

Nora Msibi, on the other hand, who I introduced in the previous section, understood the cleanliness of her trading stall as the primary barrier standing between her and eviction, and she maintained that barrier zealously, ordering her sons on more than one occasion during my conversation with her to pick up sweet wrappers that had been discarded by customers in the vicinity of her stall. Nora has come to draw a direct link between cleanliness and legality, likely as a result of the numerous ‘clean-up’ operations through which her business has been interrupted.

Elizabeth’s assortment of legal constructions is probably best understood as a bulwark against the ambiguous relationship she had with the official documents implied in her trade. She signed a lease agreement with MTC (now overseen by the JPC), for instance, although she did not know what she was signing for and did so only because she was told by officials that it was compulsory. She remained unsure of the purpose of the lease, and said that the paperwork and process are confusing. This ambiguity is hardly unique to Elizabeth, and is something I encountered regularly during my fieldwork. Ivy also did not know what she was supposed to use her smartcard for, only that she was required to have one. She had also signed a lease agreement with MTC for R200 monthly rent, although she was not allowed to keep a copy. She signed the agreement because MTC said that she must. Again, she was unsure of the purpose of the lease agreement, only that she was required to have one.

In the remainder of this chapter I analyse some of the principles organising economic life among traders in Johannesburg’s street economy. In particular, I explore two mundane anecdotes from the street in order to reveal some of these principles. The first example is concerned with the maintenance of informal commercial networks central to the daily running of a business on the streets of the inner city. The second explores threats to these networks, and the careful balance which traders must strike in order not to compromise them.



### 7.3 Street reciprocity: The reliance of the market on non-market engagements

The street economy represents an immediate exposure of the ways in which impersonal market exchanges are possible only through the continual eruption and control of the social and personal (Hart 2001). Without dependable recourse to the state or to the law, street traders rely implicitly on the assistance of their neighbour traders, and other street traders in their vicinity, to run their businesses successfully. Indeed, they rely on them to run their businesses at all. I will present the anecdote of a lunchtime I spent in the inner city to shed a light on some of these, although my observation of these acts during my fieldwork was hardly limited to this day. Indeed, they animated every day I spent on the streets, and this vignette should be read as representative.



Figure 10. Half serving of *pap* and vegetables from a hot food stall in the Hoek Street linear market. Photograph by the author.

I had not been able to visit the inner city for a few weeks. At the first opportunity I had, I went to Ivy's *chisa nyama* stall in the Hoek Street linear market, where I often took my lunch during my fieldwork. During my previous visit, she had been deeply frustrated with a recent run-in with a JMPD officer who had sought to solicit a free

lunch. I wanted to follow up and see whether the problems with the JMPD had persisted. Being a Sunday, however, Ivy was at church. Beauty, who was one of three female traders who worked for Ivy, was in charge of the stall for the day. After briefly catching up with Beauty, I decided to sit down to lunch before moving on to Noord Street, where I owed a few street traders an overdue visit.

I asked Beauty for a soda, but they were out of stock. With a quick word to a woman working at the stall next door, Beauty continued in the preparation of my lunch, while telling me how surprised I would be at how tasteless the very same dish could be if prepared just wrong – she was answering my question about why some of the stalls employed men for the cooking and others women. In the meantime, the woman from the next-door stall appeared with a cold soda, which she put down in front of me. At the end of my meal, I produced a R200 note to pay the R30 I owed. Beauty didn't have enough change, but with another quick word to the neighbouring stall, she returned with my R170. These are the gestures – Beauty's polished reliance on her neighbor to assist her when she was short on change, or in tracking down a soda – that we hardly stop to notice, but that nevertheless saturate everyday sociality (Graeber 2011: 89) in Johannesburg's street economy. These moments are difficult to describe in great detail because of their brevity. But the pattern is so frequent and pervasive that they become one of the more constant characteristics of relationships amongst street traders in the street economy.

These are not acts of 'everyday communism' (Graeber 2010), and do not serve the function of creating and maintaining fragile communities, as has been described in the context of urban informality in other South African cities (see for instance Webster 2014). Instead, reciprocity among street traders entails acts or things central to the running of the business, and serves predominantly commercial functions. This reflects Sahlins' earlier observations that reciprocity is intimately linked with cultural and kinship systems (1972). That is, certain systems, in this instance Johannesburg's street economy, condition the kinds of reciprocity that given social agents can engage in. While the street economy conditions commercial forms of reciprocity – involving goods and acts conventionally associated with market exchange – it remains intimately tied to the reproduction of life, not least because of its often direct

relationship to street traders' livelihoods as I explore below, and as a result fundamentally social.

#### **7.4 The risks of success and the management of visibility**

Street traders rely heavily on informal networks and arrangements to make their living and regulate their trade in a context where formal management structures are often non-consultative. I have profiled the kinds of reciprocity which often characterise these networks and arrangements in the previous section. Informal networks and arrangements are regularly compromised and threatened, however, with far-reaching implications for traders' abilities to make and maintain a living. Small gains in wealth are often central to these threats.

Tshepo, who sells safety boots and padlocks near Park Station, and with whom I spent a great deal of my time in the inner city, told me the story of a young man who trades nearby to him and who had recently started making considerably more money than he had been making in the past. Pointing him out surreptitiously and speaking in such a way as not to make it obvious to his young neighbour that we were talking about him, he told me about how the surrounding traders had become highly suspicious of the young man's unexpected success. The suspicion stemmed from contrasting fortunes in a shared context and circumstance: how was it that the young trader's gains, selling, like many of the others, an assortment of school bags branded with popular cartoon characters and hats with the crests of local football teams, were so suddenly inequitable to their own?

I learnt that what began as dissatisfied mumbling among the traders in the vicinity grew quickly into outright accusations against the young trader, of witchcraft in particular, and eventually exclusion. The young trader had until then been a member of one of the numerous savings clubs amongst traders on the street. He was ousted from the club, however, after his fellow members called into question the legality of the money he was contributing to the club. In a very real sense then, an improvement in his income from trade also had a direct and inverse material effect on his

livelihood. The risks of his success also played out in daily life, restricting the young trader further in commonplace ways. He is no longer able to rely on his neighbour traders for the range of favours and assistance that they offer to each other. These include small but crucial parts of daily business on the street: looking after his stall and goods if he needs to leave them unattended for a while, providing small change if he does not have any for customers.

The sort of exclusion experienced by the young trader can be devastating to a business in the street economy. Nevertheless, the threat of exclusion does not entirely preclude street traders efforts to buffer the incomes they make from their businesses on the sidewalk. Indeed, it often engenders a careful management of the visibility of economic success instead. I found out, for instance, by way of arriving at Tshepo's stall on numerous occasions to find it entirely in Lawrence's care, who would always assure me that "he will be back tomorrow," that Tshepo lived an economic double-life. He split his time, in alternating days, between selling safety-boots and padlocks from his stall, and guarding a home for the elderly near Braamfontein. The home was run by the City of Johannesburg; I never found out whether the fact that Tshepo received this second income directly from the state contributed to the overtly pro-state outlook I discussed at some length in Chapter 5. On the days when Tshepo was a security guard at the home, he would split whatever profit his stall at Noord Street managed with Lawrence, effectively increasing both of their incomes during half of the week. Both Tshepo and Lawrence's auxiliary income was not something they ever discussed with other street traders in my presence. Indeed, it was only something I realised in the latter stages of my fieldwork, and even then, it was not something either of the two were ever particularly interested in discussing with me. Tshepo once laughed off one of my questions about it by saying, "But maybe Alice (a street trader selling mostly school bags nearby to Tshepo and Lawrence's stalls) will think I'm doing funny things, you know?"

Street traders are well aware of the threats posed by conspicuous economic success to the informal networks of reciprocity on which their daily business, to a large extent, depends. While these threats are often realised, as in the case of the young trader discussed earlier in this chapter, street traders take care to manage the visibility of

their economic success amongst their neighbour traders. Similar observations have recently been made among young migrant men in Cape Town (Williams 2015), where “newfound prosperity among the urban poor places strain on relationships” and successful entrepreneurial efforts often mean a momentary scaling “out of the discreetness and perhaps even security of poverty to become exposed and endangered” (Williams 2015: S27). This suggests that the commonly held view that socio-economic vulnerability is a direct reflection of poverty must be problematised. Johannesburg’s street economy suggests that, in some contexts, socio-economic vulnerability is a more nuanced measurement than a linear scale between poverty and wealth.

## **Chapter 8. CONCLUSION**

*I don't know what this is for [holding up his smart card]. Even this, I don't know what this is for [pointing to his lease agreement]. I know I must have it, because they [the City of Johannesburg] said I must have it. They said to me, "Sign these papers," and now I must pay rent to them. But still in 2013 they came and took my things. You know I have never seen those things [again]?*

Interview with Vusi Mpofo (registered street trader).

*I just need that card [a smart card]. They [the City of Johannesburg] must just give me a place to do my business. Then I'm sure things will be better for me. I think maybe it is because I am from Zimbabwe that it is difficult. But I must just get that card.*

Interview with David Lusinga (unregistered street trader).

I set out in this dissertation to explore how formal bureaucracy works in people's lives by addressing the question of what Operation Clean Sweep in Johannesburg reveals about the relationship between street traders and the local state. Relying on my position as a researcher working at an NGO intimately involved in the contested relationship, I set up an extended case study of it, grounded in Operation Clean Sweep.

The relationship between the state, in the form of the City of Johannesburg, and street traders who make a living in the inner city, is always historically produced. When observations of the relationship are extended over time, it becomes clear that the reach of state bureaucracy into the lives of street traders is contingent, and in constant flux, and the nature of that reach itself takes on different forms. The enactment of Operation Clean Sweep, however, and the ensuing litigation, in which traders were largely successful in having the effects of the operation reversed and bolstering their power at the negotiating table, has produced a particular iteration of that relationship. I argue that that iteration is characterised largely by impasse.

According to Benjamin, engagements between traders and the City have worsened since the ANC lost the August 2016 local government elections to the new DA-led administration. While meetings between street traders and the City had been on going in the lead-up to the election, albeit strained, as I have discussed in this dissertation, there has not been one formal meeting since. “The City is just quiet,” he says. Siphhelele, who is responsible for the Informal Trading Directorate in the City, has allegedly been “told not to deal with informal traders anymore” and not to “attend to anything to do with informal trading.”

Views and experiences from both the state and the street suggest some of the ways in which this impasse might be understood.

The state in this context does not conform to bureaucratic rationality, in either the Weberian or Foucauldian sense. Instead, state processes, which have a direct bearing on the lives of street traders, are ‘peopled’ – they are deeply contingent, and are shaped at once by the often personalised results of institutional blockages; powerful private interests; and a persistent modernist impulse for order.

The state’s relationship with powerful elite property interests, the personal motivations and experiences of bureaucrats, and a preoccupation with order have resulted in the imposition of modernist schemes in the inner city. These schemes rely on rendering street traders legible. This legibility is, however, not achieved through the conventional devices of documentation and enumeration, but instead through the development of a grammar of aesthetics. The two quotes at the beginning of this chapter highlight the heterogeneous relationship street traders have with administrative texts, and suggest what I have argued throughout this dissertation: that a grammar of aesthetics, and not documentation, is the City’s primary device for imposing order. By rendering street traders legible through aesthetics, instead of the more oft theorised devices of documentation and enumeration, the state in this context has largely avoided the messy realities of the inner city and imposed modernist schemes from a distance.

These schemes are already immediately observable on the eastern fringe of the inner city, where the City is encouraging “Western urban renewal processes that do not fully complement the nuanced and transformative ‘African’ city” (Nevin 2014: 188) in the Maboneng Precinct. Urban renewal in this context shares with Operation Clean Sweep an emphasis on ridding streets of ‘crime and grime’, which has resulted in the replication of many of the exclusionary features of the gated communities in Johannesburg’s northern suburbs (*Ibid*: 197).

Ethnography suggests that, in this context, street trader organisations are making institutional movements *towards* the state that manages their members. That is, they are looking to adopt traditionally formal strategies – professionalisation and litigation, for instance – in order to establish greater permanence and offset any future displacement by the City. These are largely impersonal bureaucracies, however, and cannot cater for the personalised and social nature of street businesses that operate without recourse to the law. Under the management of an administration pursuing urban order that has historically resulted in large-scale displacement, and continued harassment by metro police officials, street traders have developed extensive, if vulnerable, networks of reciprocity and reliance on which they depend in an economic environment of deep uncertainties. These uncertainties come both from above, as already discussed, and from below. Reciprocity amongst street traders is put under severe pressure by any conspicuous economic success, which has resulted in a careful management by some street traders of the visibility of their economic success. The experience of street traders in Johannesburg’s street economy suggests that the relationship between economic success and socio-economic security is not as straightforward as is commonly held. Vulnerability and security in this context are instead subject to complex social forms of negotiation and production unique to Johannesburg’s inner city.

As a result, the Johannesburg street economy represents an immediate exposure of the ways in which impersonal market exchanges are possible only through the continual eruption and control of the social and personal. In a general absence of effective management by the state, practices of reciprocity intimately shaped by the street economy and the careful management of the visibility of economic success,



play important functions in the management of precarious livelihoods in the inner city's street economy.

## **BIBLIOGRAPHY**

### **Books, chapters, articles, theses and research reports**

Bayat, A. 1997. 'Un-civil society: The politics of the 'informal people''. *Third World Quarterly* 18(1) pp. 53-72.

Beall, J., Crankshaw, O. & Parnell, S. 2000. 'The causes of unemployment in postapartheid Johannesburg and the livelihood strategies of the poor'. *Journal of economic and social geography* 91 (4) pp. 379-396.

Beall, J., Crankshaw, O. & Parnell, S. 2002. *Uniting a divided city: Governance and social exclusion in Johannesburg*. London: Earthscan Publications

Beavon, K. 2004. *Johannesburg: The Making and Shaping of the City*. Pretoria: Unisa.

Beavon, K. & Rogerson, C. 1980. 'The persistence of the casual poor in Johannesburg'. *Contree* 7 pp. 15-21.

Béni-Gbaffou, C. Motaung, T. Sibiyi, N. Malemagoba, N. Munzhelele, P. and Manganya, K. 2012. *Unpacking Street Trading Management in the Retail Improvement District (RID), Johannesburg*. University of the Witwatersrand School of Architecture and Planning.

Béni-Gbaffou, C. and Oldfield, S. 2014. 'Claiming 'Rights' in the African City: Popular mobilisation and the politics of informality' in Parnell, S. and Oldfield, S. (eds) *The Routledge Handbook on Cities of the Global South*. London: Routledge. pp. 281-295.

Béni-Gbaffou, C. Bokasa, P., Jackson, A., Manzini, S., Mhlogo, M., Mohloboli, M., & Nkosi, M. 2014. *A Political Landscape of Street Trader*

*Organisations in Inner City Johannesburg, Post Operation Clean Sweep*. University of the Witwatersrand Planning and Politics.

Bénit-Gbaffou, C. 2015. *In quest of sustainable models of street trading management Lessons for Johannesburg after Operation Clean Sweep*. University of the Witwatersrand School of Architecture and Planning.

Bénit-Gbaffou, C. 2016. 'Do street traders have the 'right to the city'? The politics of street trader organisations in inner city Johannesburg, post-Operation Clean Sweep'. *Third World Quarterly* 37(6) pp. 1102-1129.

Bénit-Gbaffou, C. 2017. 'Governing street trading in contemporary cities anatomy of the policy instruments used by the city of Johannesburg in the post-apartheid era' in *Urban Research & Practice*.

Bond, P. 2000. *Elite Transition: From Apartheid to Neoliberalism in South Africa*. University of Natal Press/Pluto Press.

Bourguignon, F. 2015. 'Interview of François Bourguignon' in Cling, J-P. Lagrée, S. Razafindrakoto, M. and Roubaud, F. (Eds.) *The Informal Economy in Developing Countries*. New York: Routledge.

Bromley, R. 1978a. 'Introduction – The Urban Informal Sector: Why is it Worth Discussing?'. *World Development* 6(9/10) pp. 1033-1039.

Bromley, R. 1978b. 'Organisation, regulation and exploitation in the so called urban informal sector: The street traders of Cali, Columbia'. *World Development* 6(9/10) pp. 1161-1171.

Bromley, R. 2000. 'Street Vending and Public Policy: A Global Review'. *International Journal of Sociology* 10(1/2) pp. 1-29.

Burawoy, M. 1997. *The Extended Case Method: Four Countries, Four Decades, Four Great Transformations, and One Theoretical Tradition*. Berkeley: University of California.

Burawoy, M. 1998. 'The Extended Case Method'. *Sociological Theory* 16(1) pp. 4-33.

Çelik, E. 2011. 'The exclusion of street traders from the benefits of the FIFA 2010 World Cup in South Africa'. *African Journal of Business and Economic Research* 6(1) pp. 62-86.

Chen, M. 2008. *Informality and social protection: theories and realities*. IDS Bulletin 39(2) pp. 18-27.

Chipkin, I. 2008. 'Set-up for failure: Racial redress in the Department of Public Service and Administration' in Bentley, K. and Habib, A. (Eds.) *Racial redress and citizenship in South Africa*. Cape Town: HSRC Press.

Chipkin, I. and Lipietz, B. 2012. 'Transforming South Africa's racial bureaucracy: New Public Management and public sector reform in contemporary South Africa'. PARI Long Essay, Number 1.

Cichello, P. and Rogan, M. 2017. *Informal sector employment and poverty in South Africa: identifying the contribution of 'informal' sources of income on aggregate poverty measures*. REDI3x3 Working Paper 34. Available at: [www.redi3x3.org/papers](http://www.redi3x3.org/papers).

Cling, J-P. Lagrée, S. Razafindrakoto, M. and Roubaud, F. (Eds.). 2015. *The Informal Economy in Developing Countries*. New York: Routledge.

Conroy, J.D. 2012. 'Intimations of Keith Hart's 'Informal Economy' In the Work of Henry Mayhew, PT Bauer and Richard Salisbury'. *Crawford School Research paper* (12-05).

Cousins, B. and Kepe, T. 2004. 'Decentralisation When Land and Resource Rights are Deeply Contested: A Case Study of the Mkambati Ecotourism Project on the Wild Coast of South Africa'. *European Journal of Development Research* 16(1) pp. 37-50.

De Soto, H. 2001. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. Black Swan.

Desai, A. and Vahed, G. 2007. *Inside Indenture: A South African Story, 1860 – 1914*. Durban: Madiba Publishers.

Desmond, M. 2016. *Evicted: Poverty and Profit in the American City*. New York: Crown Publishers.

Devey, R. Skinner, C. and Valodia, I. 2006. 'Definitions, data and the informal economy in South Africa: a critical analysis' in Padayachee, V. (Ed.) *The development decade? Economic and social change in South Africa, 1994 – 2004*. Cape Town: HSRC Press

Dinath, Y. 2014. 'Between fixity and flux: Grappling with transience and permanence in the inner city' in Harrison, P. Gotz, G. Todes, A. and Wray, C. (eds) *Changing Space, Changing City: Johannesburg After Apartheid*. Wits: Johannesburg. pp. 232-251.

Douglas, M. 1966. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Routledge.

Ferguson, J. 2005. 'Seeing Like an Oil Company: Space, Security, and Global Capital in Neoliberal Africa'. *American Anthropologist* 107(3) pp. 377-382.

Foucault, M. 1973. *The Birth of the Clinic: An Archaeology of Medical Perception*. New York: Routledge.

Foucault, M. 1977. *Discipline and Punish: The Birth of the Prison*. New York: Vintage.

Ghertner, D. A. 2011. 'Rule by Aesthetics: World-Class City Making in Delhi' in Roy, A. and Ong, A. (eds) *Worlding Cities: Asian Experiments and the Art of being Global*. Oxford: Wiley-Blackwell.

Gluckman, M. 1940. 'Analysis of a social situation in modern Zululand'. *Bantu Studies* 14 pp. 1-30.

Graeber, D. 2010. 'On the Moral Grounds of Economic Relations A Maussian Approach'. *Open Anthropology Cooperative Working Paper 6*.

Graeber, D. 2012. 'Dead zones of the imagination: On violence, bureaucracy, and interpretive labor'. *HAU: Journal of Ethnographic Theory* 2 (2) pp. 105–28.

Graeber, D. 2015. *The Utopia of Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy*. Brooklyn: Melville.

Grest, J. 2000. 'Urban Citizenship: Governance, regulation, development and participation. Some thoughts from the Warwick Junction Project, Durban'. Paper Prepared for the Three Cities Project Conference, University of Durban-Westville and University of Natal, Durban.

Gupta, A. 2012. *Red Tape: Bureaucracy, Structural Violence, and Poverty in India*. Durham: Duke University.

Harrison, P. 2014. 'Making planning theory real'. *Planning Theory* 13 (1) pp. 65–81.

Harrison, P. & Zack, T. 2012. 'The power of mining: the fall of gold and rise of Johannesburg'. *Journal of Contemporary African Studies* 30 (4) pp. 551-570.

Hart, K. 1973. 'Informal Income Opportunities and Urban Employment in Ghana'. *Journal of Modern African Studies* 11 (1) pp. 61-89.

Hart, K. 2001. 'The Market from a Humanist Point of View' in Hart, K. *Money in an Unequal World: Keith Hart and His Memory Bank*. New York: Texere.

Hart, K. 2005. 'Formal bureaucracy and the emergent forms of the informal economy'. Research Paper, UNU-WIDER, United Nations University (UNU), No. 2005/11.

Hart, K. 2006. 'Bureaucratic Form and the Informal Economy' in Guha-Khasnobis, B. Kanbur, R. and Ostrom, E. (Eds) *Linking the Formal and Informal Economy: Concepts and Policies*. Oxford: Oxford University.

Hart, K. 2010. 'Informal Economy', in Hart, K. Laville, J-L. and Cattani, A. (Eds). *The Human Economy: A Citizen's Guide*. Cambridge: Polity Press pp. 142-153.

Hart, K. 2015a. 'How the informal economy took over the world' in Moertenboeck, P. Mooshammer, H. Cruz, T and Forman, F. (eds) *Informal Market Worlds Reader: The architecture of economic pressure*. NAI010 Publishers, 33-44.

Hart, K. 2015b. 'Introduction: The Object, Methods and Principles of a Human Economy Approach' in Hart, K. (ed.) *Economy For and Against Democracy*. New York: Berghahn Books

Harvey, D. 2009. *Social Justice and the City*. Athens: University of Georgia.

Harvey, D. 2013. *Rebel Cities: From the Right to the City to the Urban Revolution*. London: Verso.

Herzfeld, M. 1992. *The Social Production of Indifference*. Chicago: University of Chicago.

Hull, M. 2012. 'Documents and Bureaucracy'. *Annual Review of Anthropology* 41: 251-67.

ILO. 1972. *Employment, incomes and equality: A strategy for increasing productive employment in Kenya*. Geneva: International Labour Office.

ILO. 2012. *Statistical update on employment in the informal economy*. Geneva: International Labour Office.

ILO. 2014. *Women and Men in the Informal Economy: A Statistical Picture*. Geneva: International Labour Office.

Jacobs, J. 1961. *The Death and Life of Great American Cities*. New York: Random House.

James, D. 2007. *Gaining Ground? 'Rights' and 'Property' in South African Land Reform*. New York: Routledge.

Karumbidza, B. 2011. *Criminalising the Livelihoods of the Poor: The Impact of Formalising Informal Trading on Female and Migrant Traders in Durban*. Johannesburg: SERI.

Krige, D. 2011. *Power, identity and agency at work in the popular economies of Soweto and Black Johannesburg*. Doctoral thesis, Department of Anthropology, University of the Witwatersrand.

Krige, D. 2012. 'The Changing Dynamics of Social Class, Mobility and Housing in Black Johannesburg'. *Alternation* 19(1) pp.19-45

Krige, D. 2014. "'Letting Money Work for Us' Self-Organization and Financialization from Below in an All-Male Savings Club in Soweto' in Hart, K. and



Sharp, J. (eds.) *People, Money and Power in the Economic Crisis: Perspectives from the Global South*. New York: Berghahn.

Lipietz, B. 2004. ‘‘Muddling-through’’: urban regeneration in Johannesburg’s inner city’. Paper presented at N-Aerus Annual Conference, Barcelona.

Lipietz, B. 2008. ‘Building a Vision for the Post-Apartheid City: What Role for Participation in Johannesburg’s City Development Strategy?’. *International Journal of Urban and Regional Research* 32(1) pp. 135-163.

Lodge, T. 1981. ‘The Destruction of Sophiatown’. *The Journal of Modern African Studies* 19(1) pp. 107-132.

Lyons, M. Brown, A. and Msoka, C. 2012. ‘(Why) have pro-poor policies failed Africa’s working poor?’. *Journal of International Development* 24 pp. 1008-1029.

Madlingozi, T. 2014. ‘Post-Apartheid Social Movements and Legal Mobilisation’ in Langford, M. Cousins, B. Dugard, J. and Madlingozi, T. (eds) *Socio-Economic Rights in South Africa: Symbols or Substance?* Cambridge: Cambridge University

Makhetha, P. and Rubin, M. 2014. ‘Inner-city street traders: Legality and spatial practice’ in Harrison, P. Gotz, G. Todes, A. and Wray, C. (eds) *Changing Space, Changing City: Johannesburg After Apartheid*. Johannesburg: Wits.

Malungisa, D. 2015. *The Informal Trade Sector in SADC: Legal, Policy and Programmatic Support*. ESSET Desk Study.

Marx, K. and De Leon, D. 1898. *The eighteenth Brumaire of Louis Bonaparte*. New York, International Pub.

Matjomane, M. 2013. *Strategies Used by Informal Traders Organisation Leaders to Influence Informal Trading Policy and Implementation*. Masters dissertation, School of Architecture and Planning, University of the Witwatersrand.

Miraftab, F. 2004. 'Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists' Expanded Notion of Politics'. *Wagadu* 1 pp. 1-7.

Morange, M. 2015. 'Participation, neoliberal control and the voice of street traders in Cape Town – a Foucauldian perspective on 'invited spaces'' in Bénit-Gbaffou, C. (ed) *The Politics of Community Participation in South African Cities*. Pretoria: HSRC Press.

Moser, C. 1978. 'Informal Sector or Petty Commodity Production: Dualism or Dependence in Urban Development?'. *World Development* 6(9/10) pp. 1041-1064.

Mpofu, B. 2014. 'After the Big Clean-Up: Street Vendors, the Informal Economy and Employment Policy in Zimbabwe' in Hart, K. and Sharp, J. (eds) *People, Money and Power in the Economic Crisis Perspectives from the Global South*. New York: Berghahn.

Murray, M. 2008. *Taming the Disorderly City: The Spatial Landscape of Johannesburg After Apartheid*. Ithaca: Cornell University.

Naidoo, V. 2008. 'Assessing racial redress in the public service' in Bentley, K. & Habib, A. (eds.) *Racial redress and citizenship in South Africa*. Cape Town: HSRC Press.

Natrass, N. 1987. 'Street Trading in Transkei – A Struggle Against Poverty, Persecution, and Prosecution'. *World Development* 15 (7) pp. 861-875.

Nevin, A. 2014. 'Instant mutuality: the development of Maboneng in inner-city Johannesburg'. *Anthropology Southern Africa* 37(3-4) pp. 187-201.

Nuttall, S. 2004. 'City Forms and Writing the 'Now' in South Africa'. *Journal of Southern African Studies* 30 (4) pp. 731-748.

Oldfield, S. and Zweig, P. 2010. 'The Contested Politics of Housing Allocation in Ikapa, Cape Town, 1981–1994'. *Journal of Southern African Studies* 36 (1).

Oldfield, S. and Greyling, S. 2015. 'Waiting for the state: a politics of housing in South Africa'. *Environment and Planning A* 47(5) pp. 1100-1112.

Omena de Melo, E. S. 2017. *Exerting State Power in Core and Semi-peripheral Countries: land clearance and domination strategies in London, Rio de Janeiro and Johannesburg*. Doctoral thesis, Department of Planning, Oxford University.

O'Neill, J. 1989. 'The Disciplinary Society: From Weber to Foucault' in *The British Journal of Sociology* 37 (1) pp. 42-60.

Peacock, J. 2001 (1986). *The Anthropological Lens: Harsh Light, Soft Focus*. Cambridge: Cambridge.

Peattie, L. 1987. 'An Idea in Good Currency and How It Grew: The Informal Sector'. *World Development* 15 (7) pp. 851-860.

Pernegger, L. 2016. *Stories of Strife in Johannesburg: Agonism in Local Democracy and Service Delivery*. Doctoral thesis, Johannesburg, University of the Witwatersrand.

Pieterse, M. 2017. 'Rights, Regulation and Bureaucratic Impact: The Impact of Human Rights Litigation on the Regulation of Informal Trade in Johannesburg'. *PER/PELJ* 2017(20)

Popke, E. J. and Ballard, R. 2004. 'Dislocating modernity: Identity, space and representations of street trade in Durban, South Africa'. *Geoforum* 35 pp. 99-110.

Portes, A. and Haller, W. 'The Informal Economy' in Smelser, N.J. and Swedberg, R. (eds). *The Handbook of Economic Sociology*. New York: Russell Sage Foundation pp. 403-425

Right 2 Know. 2015. *The Right to Take Photos & the Police*. Retrieved from: <http://www.r2k.org.za/wp-content/uploads/R2K-Right-to-Take-Photos-A5-booklet.pdf>

Rogerson, C. M. 2000. 'Emerging from Apartheid's Shadow: South Africa's Informal Economy'. *Journal of International Affairs* 53 (2) pp. 673-695.

Rogerson, C. M. 2015. 'Progressive rhetoric, ambiguous policy pathways: Street trading in inner-city Johannesburg, South Africa'. *Local Economy* 0 (0) pp. 1-15.

Rogerson, C. M. and Hart, D. 1989. 'The struggle for the streets: deregulation and hawking in South Africa's major urban areas'. *Social Dynamics* 15 (1).

Roy, A. 2004. 'Transnational trespassings: The geopolitics of urban informality' in Roy, A. and AlSayyad, N. (eds.) *Urban Informality: Transnational perspectives from the Middle East, Latin America and South Asia*. Lanham: Lexington Books.

Roy, A. 2005. 'Urban informality: toward an epistemology of planning'. *Journal of the American Planning Association* 71(2) pp. 147-158.

Sahlins, M. 1972. *Stone Age Economics*. Chicago: Aldine-Atherton.

Sanjek, R. 2010 (1996). 'Ethnography' in Barnard, A. and Spencer, J. (eds) *The Routledge Encyclopedia of Social and Cultural Anthropology*. London: Routledge. pp. 243-280

Schraten, J. 2013. 'On law and legality in post-apartheid South Africa: Insights from a migrant street trader'. *Anthropology Southern Africa* 36(3&4) pp. 108-115.

Scott, J. C. 1998. *Seeing like a state: How certain schemes to improve the human condition have failed*. Yale University Press.

Skinner, C. 2008a. *Street-vending in Africa: a review*. University of KwaZulu Natal, School of Development Studies, Working Paper No. 51.

Skinner, C. 2008b. 'The struggle for the streets: processes of exclusion and inclusion of street trader in Durban, South Africa'. *Development Southern Africa* 25(2) pp. 227-242.

Terreblanche, S. 2003. *A History of Inequality in South Africa, 1652-2002*. Durban: University of Natal.

Tissington, K. 2009. *The Business of Survival: Informal Trading in Inner City Johannesburg*. CALS: Johannesburg.

Van Rooyen, E. J. & Antonites, A. J. 2007. 'Formalising the informal sector: a case study on the City of Johannesburg'. *Journal of Public Administration* 42(3) pp. 324-346.

Vargas, A. M. 2016. *Outside the Law: An Ethnographic Study of Street Vendors in Bogotá*. Lund: Lund University.

von Holdt, K. 2010. 'The South African post-apartheid bureaucracy: inner workings, contradictory rationales and the developmental state' in Edigheji, O. (ed.) *Constructing a Democratic Developmental State in South Africa*. Cape Town: HSRC Press.

Weber, M. 1958. *The Protestant ethic and the spirit of capitalism*. London: Scribners.

Webster, D. 2014. 'Dealing and sharing: the construction of community in a Pretoria public park'. *Anthropology Southern Africa* 37:3-4, pp. 253-264.

Webster, D. 2015. *'The End of the Street?' Informal Traders' Experiences of Rights and Regulation in Inner City Johannesburg*. Johannesburg: SERI.

Webster, D. 2017. *Informal Trade in Johannesburg: Your Rights*. Johannesburg: SERI.

Webster, D. and De Vos, I. 2017 forthcoming. 'No Place For the Poor: The governance of removal in Zulu and SAITF'. *Constitutional Court Review*.

Williams, J. 2015. 'Poor Men with Money: On the Politics of Not Studying the Poorest of the Poor in Urban South Africa'. *Current Anthropology* 56(S11) pp. S24-S32.

Yiftachel, O. 2009. 'Theoretical notes on gray cities: The coming of 'urban apartheid''. *Planning Theory* 8(1) pp. 88–100.

## **Court Papers and judgments, policy and legislation, government publications and municipal documents**

Central Statistical Service. 1976. *Population Census 1991: Economic sector by development region, statistical region and district*. Pretoria: Central Statistical Service.

City of Johannesburg Metropolitan Municipality. 2003. *Good Governance, Development & Delivery: A World Class African City*. Executive Mayor's Mid-Term Report.

City of Johannesburg Metropolitan Municipality. May 2004. *Street Trading By-Laws*.

City of Johannesburg Metropolitan Municipality. June 2009. *Informal Trading Policy for the City of Johannesburg*.

City of Johannesburg Metropolitan Municipality. May 2014. *Proclamation of Trading Restricted Areas and Designation of New Trading Areas Council in Inner City Johannesburg.*” Council resolution passed 22 May 2014.

City of Johannesburg Metropolitan Municipality. 18 May 2015 presentation. *Promulgation and designation of Trading Areas Feasibility Study: Additional investigation into trader accommodation in the Johannesburg Inner City*.

City of Johannesburg Metropolitan Municipality. 19 May 2015 presentation. *Promulgation and designation of Trading Areas Progress Report*.

Department of Statistics. 1976. *Population Census 1970: Occupation and industry by district and economic region*. Pretoria: Department of Statistics.

Department of Trade and Industry. 1995. *White Paper on National Strategy for the Development and Promotion of Small Business in South Africa*. Cape Town: Department of Trade and Industry.

Office of the MMC. 26 October 2012. *Report on the Status of the Inner City (Region F) and the Proposed Initiative and Programme to Address Current Challenges*.

Republic of South Africa. 1991. *Businesses Act 71 of 1991*. Pretoria: Government Printers.

Republic of South Africa. 1996. *Constitution of the Republic of South Africa*. Pretoria: Government Printers.

*South African Informal Traders Forum v City of Johannesburg* (GJ) unreported case number 43427/13 of 27 November 2013.

*South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association v City of Johannesburg and Others* [2014] ZACC 8 (SAITF).

Statistics South Africa. 2017a. *Quarterly Labour Force Survey*. Pretoria: Statistics South Africa.

Statistics South Africa. 2017b. *Poverty trends in South Africa: An examination of absolute poverty between 2006 and 2015*. Pretoria: Statistics South Africa.

Statistics South Africa. 2017c. *Gross domestic product, Second quarter 2017*. Pretoria: Statistics South Africa.

## **Media and press statements**

ANA. 23 February 2017. *Cancellation of Jozi@Work programme irks Gauteng MEC*. The Citizen. Retrieved from: <http://citizen.co.za/news/news-national/1438045/cancellation-of-joziwork-and-jozi-bread-projects-irks-gauteng-mec/>

Burke, J. 17 September 2016. *Surprise Johannesburg mayor sets out to transform the city in his image*. The Guardian. Retrieved from: <https://www.theguardian.com/world/2016/sep/17/surprise-johannesburg-mayor-sets-out-to-transform-the-city-in-his-image>

City of Johannesburg. 22 May 2014. Press statement.

City of Johannesburg. 1 December 2016. *Zones to turn Joburg into high-growth city*. Retrieved from:



[https://joburg.org.za/index.php?option=com\\_content&view=article&id=11079&catid=88&Itemid=266](https://joburg.org.za/index.php?option=com_content&view=article&id=11079&catid=88&Itemid=266)

Evans, S. 2013. *Convenient to remove lawful traders in Op Clean Sweep*. Mail and Guardian. Retrieved from: <http://mg.co.za/article/2013-12-05-convenient-to-remove-lawful-traders-in-op-clean-sweep>

Grebe, E. 2016. *I was jailed for filming a police assault*. GroundUp. Retrieved from: <https://www.groundup.org.za/article/i-was-jailed-filming-police-assault/>

Nxumalo. 2013. *Jo'burg informal trader lays assault charge against cops*. Mail and Guardian. Retrieved from: <http://mg.co.za/article/2013-11-28-city-of-joburg-trader-drags-metro-cops-to-court>

Onishi, N. 5 August 2016. *A.N.C. Suffers Major Election Setback in South Africa*. The New York Times. Retrieved from: [https://www.nytimes.com/2016/08/06/world/africa/south-africa-election-anc.html?\\_r=0](https://www.nytimes.com/2016/08/06/world/africa/south-africa-election-anc.html?_r=0)

SERI. 3 October 2016. 'Informal traders claim R120 million for damage caused by "Operation Clean Sweep"'. Press statement retrieved from: <http://seri-sa.org/images/SAITFcivilclaimspress.pdf>

Sguazzin, A. and Mkokeli, S. 23 February 2017. '*Shock-and-Awe*' Campaign Planned in Johannesburg Inner City. Bloomberg. Retrieved from: <https://www.bloomberg.com/news/articles/2017-02-23/-shock-and-awe-campaign-planned-against-johannesburg-inner-city>

StreetNet. September 2015. 'StreetNet News No.6'.

Tolsi, N. & Nxumalo, M. 2013. *Jo'burg's 'Clean Sweep' is a dirty affair*. Mail and Guardian. Retrieved from: <http://mg.co.za/article/2013-10-31-joburgs-clean-sweep-isa-dirty-affair>

Webster, D. 10 September 2015. *The Streets at stake in Johannesburg*. openDemocracy. Retrieved from: <https://www.opendemocracy.net/openglobalrights/dennis-webster/streets-at-stake-in-johannesburg>

Whittles, G. 23 February 2017. *Herman Mashaba still scot-free as attacks erupt*. Mail and Guardian. Retrieved from: <https://mg.co.za/article/2017-02-23-00-mashaba-still-scot-free-as-attacks-erupt>

Wilson, S. 1 December 2016. *Slumlords? Lawyers? No, Mayor Mashaba, your complaint is against the rule of law itself*. Daily Maverick. Retrieved from: <https://www.dailymaverick.co.za/opinionista/2016-12-01-slumlords-lawyers-no-mayor-mashaba-your-complaint-is-against-the-rule-of-law-itself/#.WMwwVbZ97sl>