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The Politics of Field Destruction and the Survival of São Paulo’s Street Vendors

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ABSTRACT

Drawing on recent developments in field theory, this paper analyzes the struggle for survival of São Paulo’s street vendors in the face of a massive eviction campaign. I conceive of street vending as a social field divided into two unequal categories – licensed street vendors and unlicensed street vendors – and show that responses to the campaign varied along group lines. Unlicensed peddlers either abandoned the field or drew on local networks to continue peddling under harsher conditions, whereas licensed street vendors relied on well-established ties to actors in other fields. After these ties proved ineffective, licensed street vendors survived by mobilizing the legal capital vested in their titles through the activation of the judicial field by an NGO with cross-field networks and expertise. The linkage role performed by this actor shows the strategic import of inter-field relations, which replicate and reinforce the unequal distribution of assets inside the field.

Keywords: Field Theory, Informality, Urban policy, Street vending, Brazil

Street vendors have become targeted victims of urban renewal and imaging policies in the age of the entrepreneurial city (Crossa 2009, Harvey 1989, Roy 2004). Global competition for capital, tourism, and high-skilled workers demands “clean” and functional urban landscapes (Hansen, Little and Milgram 2013, Sassen 1991). Regarded as a nuisance – if not a threat – by urban planners, social elites, storeowners, and a substantial part of the established middle classes, peddlers thus face recurrent efforts by municipal governments to remove them from public spaces (Babb 1987, Bromley 2000, Donovan 2008, Middleton 2003). Studies of street vending have identified ways in which peddlers can forestall eviction policies, in particular through the provision of political support (e.g., votes) and money (e.g., bribes) to local authorities in exchange for “tolerances” (Cross 1998) or “forbearance” (Holland 2015). However, as John Cross (1998) points out, the effectiveness of such counteracting tactics depends on the willingness of city authorities – especially local politicians and street-level bureaucrats (Lipsky 2010) – to engage in informal transactions (see also Bhowmik 2010). When the interests and commitments of state officials at all levels are aligned against street vendors, the likelihood of evictions being carried out is high.

This paper examines a case of attempted removal and dramatic survival of street vendors confronted with the cohesive and committed administration of then-mayor of São Paulo Gilberto Kassab between 2006 and 2012. A city of 20 million, São Paulo has an estimated 100,000 street vendors scattered across the city (Pamplona 2013). In 2006, when Kassab came to power, roughly 5,500 peddlers held street vending licenses, which allowed them to sell at fixed spots designated by the city.¹ By contrast, unlicensed peddlers work “on the run” – at lonely street corners or in crowded thoroughfares – constantly fleeing law enforcement to avoid confiscation of their wares.

Using its legal powers, the Kassab administration endeavored to cancel or revoke all street vending licenses while enlisting Military Police (MP) personnel to stamp out unauthorized peddling.

Despite managing to reduce the numbers of both licensed and unlicensed peddlers, the city administration was unable to eliminate street trade. For one, a large contingent of unlicensed street vendors carried on trading on the sidewalks despite a dramatic increase in policing and repression. On the other hand, Kassab's plans were foiled by an interim court order which became the object of a fierce judicial battle with political overtones. In the end, Kassab was prevented from enforcing his full ban on street trade by the time he left office. How did a marginal group like street vendors survive a full-blown, well-planned, administratively airtight offensive by the state? And how did differences between categories of street vendors (i.e., licensed and unlicensed) shape the impacts of, and responses to, this offensive?

Existing research on the outcomes of eviction campaigns recognizes the adaptability and resilience of informal actors – especially street vendors – inclined to find ways around the constraints imposed upon them by the state (Bromley 1978, Clark 1988, Seligmann 2004). In fact, politics play a prominent role in resisting state repression, along with other assets such as organization, mobility, and social networks (Clark 1994, Hansen, Little and Milgram 2013, Lindell 2010). Despite an emphasis on rights (Brown 2006, ILO 2002), however, references to the judiciary are few and far between in the street vending literature – and for good reason. The informal condition of street vendors makes it difficult for them to resort to the courts to uphold their rights, which are not always set in law (Cross 1998, De Soto 1989, Setšabi 2006). This article examines the conditions under which the judicial field can be activated as a field of resistance for street vendors facing eviction and teases out the unequal impacts of this process, which only benefited a minority of licensed peddlers in São Paulo.

Drawing on recent developments in economic sociology, I conceive of street vending as a social field. Fields are structured arenas of contention for resources governed by specific norms

(Bourdieu 1984, Fligstein and McAdam 2012). Social categories within fields control different types of assets – or, in Bourdieu’s (1986) formulation, forms of capital – which they mobilize in pursuit of the field’s resources. I show how differential endowments in assets like legal capital shaped both the impacts of and the responses to coordinated efforts by the city government to eradicate street vending. A large number of unlicensed peddlers abandoned the field, while those who continued peddling only managed to do so by relying more intensively on social networks and/or geographical mobility. Licensed street vendors, on the other hand, survived thanks to the activation of the judicial field, which occurred through the intervention of an external actor with cross-field networks and expertise.

By analyzing this struggle through the multiple fields in which it unfolded, this study contributes to a better understanding of inter-field relations (Bourdieu and Wacquant 1992, Fligstein and McAdam 2012). In particular, this study introduces the concept of linkage, which refers to the process by which a field is activated and resources circulate between loosely connected fields – thereby offering participants in the field under threat newfound means of resistance. However, because linkage is not available to all categories of actors, it also reinforces patterns of stratification inside the field.

The paper begins with a discussion of field theory and a review of the literature on street vending. After recounting methods and data sources, I describe the responses and struggles triggered by the campaign to eradicate street vending in São Paulo. In the last section, I discuss the empirical and theoretical implications of this case for understanding the struggles of informal groups and their divergent responses to state repression.

Fields, Links, and Street Vending

Fields are structured arenas of contention over specific resources governed by field-specific norms.² While inter-agent competition pervades field relations, larger coalitions of actors form to protect or gain access to the field's resources (Bourdieu 1984, Fligstein and McAdam 2012). These social categories (or classes) control different types of assets or forms of capital, which they mobilize in individual pursuits – such as the search for a job (Granovetter 1995) – or collectively, through status- and class-based organizations. A standard analytic approach in field theory consists of teasing out the principles that govern recursive processes of resource and/or agent allocation across categories within a particular field, which amounts to (re)constructing the field's structural logic (Benson 2013, Bourdieu and Passeron 1979, Bourdieu and Wacquant 1992, Martin 2003). Intensive focus on a field yields key insights into its social mechanics, the principles of which can otherwise be lost on external observers and field participants alike (Bourdieu 1984, Ferguson 1998).

Yet fields do not operate in a vacuum. In fact, it is often the interplay between fields and/or actors in different fields that shapes relevant social outcomes, including key developments like the emergence of new fields (Bourdieu 1996, Ferguson 1998, Medvetz 2012). Relations between fields, however, constitute a less predictable, less theorized area of field theory (Bourdieu and Wacquant 1992, Eyal 2013). In a recent volume, Fligstein and McAdam (2012:58) regret that “virtually all analyses of fields... suffer from... [a] ‘fieldcentric’ bias.” Despite emphasizing dependence between fields and specifying forms of inter-field connections, however, the latter fall silent on how links are constructed, especially by actors in marginal fields who control scarce assets or whose assets are not immediately “convertible” into accepted currency or influence over actors in other fields. In these cases, I argue that the intervention of an external actor with cross-

field networks and expertise is required to mobilize the assets of the marginal group and activate a new field in which these assets can be brought to bear. I call this process linkage.

Understanding developments in a field thus requires understanding the stakes and contests in surrounding fields. While most agents in all fields seek to maximize monetary income, the rules and stakes of contention vary from one field to the other. Public officials in the bureaucratic field vie for administrative positions according to the hierarchical norms governing state bureaucracies (Weber 1978). Politicians, for their part, try to access or remain in positions of power by obtaining and securing votes. In the judicial field, lawyers seek to win cases through legal advocacy supported by evidence. The judge, on the other hand, stands out as a peculiar figure whose official role is to ensure compliance with formal rules in other fields of society. Hence her formal independence from the rewards and payoffs offered by these fields, which by withdrawing the judge from the logic of contention that is the norm of field participation, is purported to guarantee an impartial viewpoint. While all fields are susceptible to perversion and corruption, some fields enjoy higher degrees of autonomy than others as a result of specific institutional provisions and historical circumstances (Bourdieu 1996).

Finally, as noted earlier, not all fields have equal status. Fields generate various types and amounts of resources, display varying degrees of legitimacy and institutionalization, and, as a result, are unequally dependent on assets provided by other fields (Fligstein and McAdam 2012). It follows that fields can themselves be ranked as “dominant” or “subordinate” based on how vulnerable their constituencies are to the breakdown of certain links – that is, to the interruption of asset flows.

Street markets as fields

Street vending is a precarious, subordinate field. Indeed, street vendors operate in that grey zone known as the informal sector – a realm of economic activity where legal norms are vague and erratically enforced by state authorities (Castells and Portes 1989, Fernández-Kelly and Shefner 2006, Telles and Hirata 2007, Tokman 1992). It follows that the everyday operation of street vending depends, to a large extent, on the benevolence or self-interested restraint of city authorities. As Clark (1988:11) notes, “substantial increases in enforcement activities can put formerly tolerated [...] traders out of business for as long as the government can sustain [these activities].”

To obtain “tolerances” (Cross 1998) or “forbearance” (2015), street vendors sometimes pay bribes to street-level officials as well as to certain mid-ranking administrators (Bhowmik 2010, Cross and Peña 2006). Because bribes are both illegal and costly, however, street vendors also resort to supporting local candidates with votes and mobilization during electoral campaigns (Auyero 2000, Holland 2015). These politicians become their political patrons and intervene at different levels of the city bureaucracy to ensure a level of tolerance for street traders (Cross 1998, Misse 1997).

The diagram in Figure 1 represents the dynamics of street vending based on the foregoing discussion. In normal times, the field of civic organizations – which includes NGOs, self-help organizations, and activist groups, among others – plays a subsidiary role. NGOs channel resources from national or international donors to underserved categories like street vendors in the form of training projects as well as technical or legal assistance. But these assets are not meant to sustain the field, only to supplement resources obtained from the state and the market. Last but not least, the judicial field is represented as external to the circuit of street vending given the scarcity of formal rights street vendors are endowed with, the legal precariousness of street vending licenses, and the attendant difficulties of resorting to the courts.

(Insert Fig. 1 about here.)

A variety of factors – ranging from administrative reforms to the election of a new government to a broader institutional crisis – can disrupt the transfer of assets across fields, thereby altering the incentives for state officials to refrain from evicting peddlers. In a study of street trade in downtown Mexico City, Cross (1998) argues that a key factor predicting the outcome of eviction policies lies in the internal organization of the state apparatus. Indeed, at the top of the city administration, the standard policy attitude toward street vending is hostile and predicated on eviction. But state officials operating at lower echelons of government – e.g., local administrators, inspectors, or policemen – do not always have an interest in enforcing the commands of their higher-ups. Among the reasons for noncompliance are the perks they receive from peddlers in the form of bribes or votes. Cross calls “state integration” the variable reflecting the degree to which the interests of mid-ranking and street-level state officials are aligned with the interests of top policymakers. When levels of state integration are high – i.e., when the interests of state officials at all levels are aligned – repression against street vendors is effectively implemented and street markets are expected to shrink or vanish.

Informal distinctions

When repression increases, as it does under such circumstances, looking inside the field helps us refine the analysis of the impacts and responses. Indeed, a key insight from the anthropological literature on street vending posits that the street vending field is socially differentiated. However, the categorical distinctions that structure street vending vary from context to context. Different authors thus emphasize different criteria, including gender (Clark 1994, Seligmann 2004), ethnicity (Little 2013), place of origin (Turner 2013), or type of merchandise (Seligmann 2013).

As Lindell (2010:10) puts it: “Contemporary informal economies are heterogeneous and highly differentiated. They are traversed by hierarchies, divisions and inequalities often structured along lines of income level, gender, age, ethnicity and race, whose specific contours are time- and place-specific.” In the case of Hanoi studied by Sarah Turner (2013:145), “the most pronounced demarcation regarding motivations to vend and the infrapolitics of street trading is by vendor type.” Such “type” refers to the difference between fixed-stall (or stationary) and itinerant (or ambulatory) vendors. A similar distinction can be found in Crossa (2009), Holland (2015), and Bhowmik (2005), among others. Oftentimes, the distinction between types coincides with the distinction between licensed and unlicensed peddlers since the latter are forced to keep moving in order to escape law enforcement.

Like other distinctions in street vending, the salience of the licensed/unlicensed cleavage is context-dependent. As Brown (2006:181) writes, contrasting Kumasi, Ghana with Maseru, Lesotho, “the rights granted by official licenses and permits vary and are often ambiguous.” Indeed, even if they shield holders from abusive seizures on a daily basis, licenses can usually be rescinded at the discretion of state authorities. And there is always some degree of porosity as peddlers transition between categories and underground markets develop to purchase or rent licenses (Brown 2006:11, Clark 2013:30). Street vending licenses are thus better understood as tokens of official recognition – a *potential* asset that can be mobilized in specific circumstances. In field-theoretic terms, licenses contain varying amounts of legal capital, the value of which depends less on established rules than on shifting sociopolitical junctures. This case study examines the conditions under which such capital can be mobilized and become consequential, not only in routine interactions with authorities, but also in struggles for collective survival.

Resistance in Street Vending

Litigation – the chief resistance strategy involving legal capital – is not common among street vendors fighting evictions, but other forms of resistance are well documented. Some authors interpret the presence of hawkers in the streets as an act of resistance *per se* (Bayat 1997, Cross and Morales 2007). However, when repression increases, more active, conscious forms of resistance are needed. One avenue is to become involved in local politics, which usually requires some level of organization (Hansen, Little, and Milgram 2013; Lindell 2010). At the same time, peddlers’ organizations have limited influence (Brown, Lyons and Dankoco 2010). Moreover, negotiations with the state require some permeability of the state fields in charge of regulating and policing street vending. And the defining characteristic of an effective eviction strategy is precisely the closing off of state fields to demands and pressures from street vendors.

Other resistance strategies unfold more or less independently from the state. Increased physical and/or geographical mobility is one way in which peddlers respond to tougher policing (Crossa 2009, Rosales 2013). Thus, in the case of relocation policies that remove peddlers from the streets and place them in enclosed and/or peripheral markets, a sizeable portion of the relocatees desert the designated venues and either finds new spaces (e.g., courtyards) to occupy in central areas of the city or goes back to trading on the sidewalks under harsher conditions (Bromley and Mackie 2009, Donovan 2008, Hansen, Little and Milgram 2013). In the street markets of downtown Mexico City studied by Verónica Crossa (2009), hawkers who used to sell at fixed-spot stalls became “bullfighters” (*toreros*), pushing carts all day long to elude law-enforcement agents. Another strategy used by street vendors consists of tapping social networks, either at home or at their workplace, to secure emergency loans, information about raids, and other favors that allow them to stay in business (Seligmann 2004:39). Thus, like the legal capital vested in the licenses, mobility and networks are assets allowing peddlers to counter eviction policies. Moreover, as

Turner (2013) showed in the case of Hanoi, resistance strategies tend to vary by category of vendor. In this sense, litigation is more likely among licensed street vendors who, by virtue of their status, possess a modicum of legal capital. But litigation occurs only in a small number of cases and, even then, courts tend to rule against vendors (Setšabi 2006). Because a detailed analysis of episodes in which courts have sided with the peddlers – as in Colombia (Donovan 2008) or India (Bhowmik 2010) – is still missing, neither the circumstances leading to litigation nor the impacts of court rulings on street vendors are well known.

I argue that mobilizing the legal capital vested in street vending licenses requires the intervention of an external actor having access to, and holding assets in, multiple fields – including the judicial field, where legal capital is of value. Given the structural disconnect between street vending and the justice system, the role played by this actor can be interpreted as a *linkage process* that activates the judicial field and brings the legal capital of the licenses to bear on the struggle against eviction. Yet linkage only protects those who possess the asset being mobilized in the first place, that is, licensed street vendors. The structure of the street vending field, with its division between licensed and unlicensed, thus determines not only who has access to linkage as a resistance strategy but also who benefits from it. Unlicensed street vendors in São Paulo had to resort to other strategies and assets, such as mobility and social networks, or exit the field.

Street Vending in São Paulo

Street vendors have existed in São Paulo since colonial times. Their numbers fluctuate according to an array of economic and political circumstances, but recent estimates place them upwards of 100,000 (Pamplona 2013). Many street vendors come from poorer regions of the country,

especially the Northeast, and increasingly from other countries in Africa and South America. They sell cheap clothing items, foodstuffs, headphones, padlocks, purses, plastic toys, and hardware, among other working-class products. Unlicensed street vendors typically carry their wares in backpacks, plastic bags, wheelbarrows, or tarps that they unfold to display their products and swiftly wrap up to run away when a policeman approaches. They are always on the move and tend to concentrate in lively commercial areas, especially downtown, although many can be found in residential neighborhoods as well. Some unlicensed street vendors practice the trade full time while others alternate between peddling and formal jobs.

Licensed street vendors have roofed stalls of roughly 1 meter by 1.5 meters, some of which have wheels and can be stored away at night. Because some licensed vendors suffer from disabilities, they are allowed to hire an assistant for their stall. Licenses are issued by district administrators based on guidelines (and sometimes quotas) defined by a central office. Since a massive licensing program in the early 1990s, the number of licenses issued by each administration has declined sharply over the years. Moreover, applicants need to comply with a range of residential, health, and seniority requisites—and sometimes have personal connections or pay a bribe—in order to obtain a license. Moreover, by law, licenses can be revoked at the mayor's discretion (see below). Both the issuing and cancelation of licenses must be published in the newspaper of public record (*Diário Oficial*).

Data and Methods

This paper uses process-tracing analysis on a case of unsuccessful mass eviction of street vendors in São Paulo (see Collier 2011, Steinman 2012). While São Paulo is comparable to other megalopolises like Calcutta or Mexico City in terms of its size and the size of its street vending

population, the scope and thoroughness of the eviction campaign under study, by pushing resistance and survival to the limits, makes the case of São Paulo a theoretically useful extreme case (Mauss 1979, Ragin 2004).

The study draws on a total of 14 months of qualitative fieldwork. During this time, I carried out more than 80 semi-structured interviews with actors from different fields; analyzed around 300 newspaper articles, letters, and legal documents; and conducted over 400 hours of ethnographic observation. The list of interviewees includes high- and mid-ranking city officials spanning five administrations, leaders of street vendors' associations, police officers, representatives of formal business groups, NGO workers, city councilmen, lawyers, a judge, and more than 40 licensed and unlicensed street vendors. Interviews lasted between 30 minutes and two hours. In some cases, up to five interviews were conducted with the same key informants. I also attended more than 40 meetings between street vendors, street vendors' leaders, government employees, and/or NGO workers. The documentary sources analyzed include the digitalized archives of the city council on public hearings, newspaper articles, the newspaper of public record (*Diario Oficial*), court records from the collective lawsuit on behalf of street vendors, as well as miscellaneous documents provided by informants. During ethnographic observation, I accompanied both licensed and unlicensed peddlers in their daily routines. In some cases interviews were set up with them at their stalls, with simultaneous or subsequent note-taking. In other cases, continuous, casual chatting offered insights into past and ongoing developments.

Access to key informants was achieved through various channels including formal requests to speak with public figures, referrals from other interviewees, encounters at meetings, and contact during fieldwork. Interviews with state officials provided insights into the reasons behind policy decisions, the political forces at work, as well as the intended and unintended results of the policy

measures adopted. Interviews with core protagonists of the judicial process shed light on the strategies adopted in terms of legal argumentation and the gathering of evidence, as well as on the political pressures at work throughout the lawsuit. And interviews with both NGO workers and street vendors' leaders revealed the ways in which connections between them had been established and operated. Finally, interviews with street vendors, both licensed and unlicensed, teased out the experience of repression under Kassab as well as the strategies employed to stay in business.

Interview data were triangulated with documentary evidence and ethnographic observation. Knowledge of the case obtained through fieldwork guided the search for “diagnostic evidence” (Collier 2011) in the analysis of documents, against which gaps and discrepancies in the oral accounts were resolved. (An exception to this procedure was the inquiry into the strategies of unlicensed street vendors, for which documentary traces are not usually available and which, as a result, were mostly reconstructed through interviews and direct observation.) Access to key official documents – such as the multivolume case file of the lawsuit and its annexes – strengthens the validity of the data. Moreover, the core causal claims of this study – i.e., that judicial action “saved” licensed street vendors and that the NGO played a key role in activating the judicial field – were confirmed by a range of actors with antagonistic interests.

The Destruction of Street Markets in São Paulo

Between 2001 and 2005, the city of São Paulo was governed by the Workers' Party (PT from its initials in Portuguese), a left-leaning political party whose ideological inclinations encouraged a lax attitude toward street trade. At the end of the PT administration, the number of street vending licenses (called TPUs) was around 5,500, and an estimated 130,000 unlicensed peddlers populated

the sidewalks (Pamplona 2013). In reaction to this state of affairs, a storeowners' association from the main commercial neighborhood in São Paulo filed a lawsuit against the city and obtained an interim court order enjoining the city government to crack down on unauthorized peddling. In early 2005, the inauguration of José Serra, a right-leaning politician with close ties to the *paulista* business elite, marked a shift in urban policy towards a more repressive, law-and-order approach, which consolidated after Serra stepped down in 2006 to run for state governor and was replaced by his vice-mayor Gilberto Kassab.

Kassab was vice-president of São Paulo's main commercial association, the ACSP. Soon after his inauguration, he launched a program called Clean City which forbade advertising in public spaces. Although the removal of street vendors was not an item in the municipal bill that launched the program, pressures against peddlers intensified. In a city like São Paulo, where street vendors are often seen as outsiders and intruders, efforts to evict them met scarce resistance from the public. According to the municipal ordinance (*Lei Municipal*) 11,039 of 1991, street vending licenses can be terminated in two ways: revocation and cancelation. Revocation refers to the withdrawal of licenses from a group of street vendors set up in a particular locale; it can be unilaterally enacted by the city administration in the name of a loosely specified "public interest." On the other hand, a license-holder who incurs more than three offenses is subject to the cancelation of her license. In both cases, the person loses the formal right to trade on the sidewalks. The Kassab administration set out to revoke various street vending concentrations – known as "*bolsões*" – while cancelations of individual licenses increased dramatically. By 2009, more than a third of the licenses had been revoked or canceled; another 1,930 licenses were revoked over the next two years. By all accounts, inspections intensified to an unprecedented degree. Inspectors would visit the same stall two to three times a day (up to six times in one account) and sanction minor

infractions which had until then been tolerated, such as the hanging of products from the corner of the stall's roof. A restrictive interpretation of the law was implemented making it compulsory for license-holders to remain at their stalls at all times during opening hours and to keep their stalls open throughout the day. Remembering those years, vendors allude to draconian policing practices such as the sanctioning of disabled stall-owners who had temporarily left their stall to use the restroom.

While revocations are hard to challenge on administrative and even legal grounds, licensed vendors can dispute the infractions leading to cancelations or plea for pardon from the district administrator. Oftentimes, however, street vendors only found out about the cancelation of their licenses after the deadline for administrative dispute had passed. On the other hand, those who launched administrative proceedings requesting a revision of the decision came up against the same authority who had sought the cancelation in the first place. Insights into these administrative processes obtained through interviews and consultation of documents attest to an adamant posture on the part of administrators who systematically rejected pleas for revision by street vendors. The bureaucratic field was closed off to the peddlers.

After a request for the revision of a cancelation is rejected by the district administrator, the only way for a license-holder to recover his license is to file a lawsuit. Yet, as noted above, the legal condition of street vendors is precarious. Street vendors who are dispossessed of their licenses or wares or who suffer abuse by law-enforcement officers are often reluctant to hire a lawyer or go to court. When asked why they do not attempt to dispute the cancelation of their license in court or press charges against an abusive policeman, peddlers point out that "the outcome is predictable," that "they know it's not going to work," that they lack the material means to do so, or that they fear retaliation. For those who did launch legal proceedings, the first step was to request a

preliminary injunction (known in Portuguese as *liminar*) that stays the eviction by state authorities until the final judgment is pronounced. As a lawyer who represents street vendors pointed out, however: “It’s hard enough to obtain a *liminar*, let alone win a case. For every five *liminar* you get, you only win one case.”³ The same interviewee further noted that the judges’ refusal to grant preliminary injunctions, which increased over time, often did not address the plaintiff’s claims, but instead simply cited the legally embedded “precarious” character of the licenses and the right of the city government to unilaterally revoke them – a rationale questionably extended to instances of license cancellation.

In 2009, the Kassab administration signed an agreement with the chief commanding officer of the Military Police (MP), a police corps under the helm of the state government. Under the terms of the agreement known as *Operação Delegada*, which was renewed for three years in 2011, 3,900 uniformed MP agents were to patrol irregular street vending activities during their off-duty time. Until then, street vending was the preserve of the *Guarda Civil Metropolitana* (GCM), a police force denounced as brutal, venal, and unprofessional by peddlers in interviews. In the words of one leader of an association of street vendors, by signing the agreement, Kassab “broke the bribery system” which had up to that point allowed for the proliferation of unlicensed street vendors.⁴ The professional training and corporate ethos of the Military Police also made it harder for peddlers to negotiate enforcement at an interpersonal level.

Alongside the implementation of the *Operação Delegada*, Kassab centralized decision-making and secured obedience by subordinate officials. The strategy adopted to this end was described by an interviewee as “militarizing” the city administration.⁵ Indeed, the mayor appointed retired *coroneis* (i.e., the highest ranking officers in the Military Police) to the head of all but one of the 31 district administrations (*subprefeituras*). Another retired MP officer was placed at the head of

the administrative unit in charge of coordinating policy implementation – including the regulation of street vending – across the 31 districts. And a number of lower-rank MP officers filled mid-level positions within district administrations across the city. Through these appointments, the informal links between the bureaucratic field and the political field at the municipal level were effectively broken. Political influence, especially from the left-leaning Workers’ Party that traditionally supported street vendors, no longer had currency inside the city administration. Finally, on May 19, 2012, the campaign against street vendors reached its peak when Kassab revoked all standing licenses by municipal decree. Every street vending zone was concurrently forbidden and licensed street vendors across the city were given 30 days to clear out.

Resisting extinction

The responses adopted by street vendors in the face of what many of them describe as a “massacre” varied significantly depending on whether they held a license or not. Lacking the modicum of legal capital and social legitimacy conferred by the license, unlicensed vendors are less prone to make claims on the state. They are also less organized, with only a handful of informal associations active at the neighborhood level. Although quantitative data on this population are scarce, testimonies collected in interviews suggest that the response of a sizeable portion of unlicensed peddlers was to “exit” the field (Hirschman 1970). Those who had the means to move into other trades or other areas did so, while others simply fell into begging and destitution. Where large concentrations of hawkers were present, as in the neighborhoods of Brás and the 25 de Março, scattered protests with the slogan “We want to work but Kassab won’t let us!” occurred, along with some violent clashes with the police. But the city held its ground and the crowds were eventually dispersed. Three shifts of more than a hundred policemen each were deployed in both neighborhoods to patrol street vending between 7am and 10pm.

(Insert Fig. 2 about here)

Figure 2 shows the 25 de Março street – arguably the most vibrant commercial street in the city – before and after the intervention of the Military Police in late 2009. Licensed street vendors can be identified by the blue tarp covering their stalls. Picture 1 shows five licensed stalls on the right-hand side, alongside three or four rows of unlicensed hawkers on both sides of the street. By contrast, in Picture 2, only licensed street vendors are visible; the three cars are police cars and a group of MP officers can be spotted at the bottom. According to city officials, by April 2011, 15,000 unlicensed peddlers of the estimated 100,000 in 2009 had deserted the streets.⁶ And those who continued peddling experienced a dramatic increase in the risk of confiscation coupled with an imperative of continuous motion and heightened vigilance. Observation conducted on 25 de Março after the Military Police was deployed suggests that resilient peddlers adapted by enhancing cooperation among themselves, leading to more intensive exchanges of information, heightened awareness, group tactics to conceal products, and short-term loans to allow disgraced co-workers to stay afloat. Official documents and interviews also suggest that some unlicensed peddlers migrated to less policed neighborhoods, modified their work hours, or started itinerant retail businesses in different towns.

Licensed street vendors, on the other hand, responded differently given the different type of assets at their disposal. At the time of the events, two closely allied, longstanding organizations monopolized the official representation of licensed street vendors: the Union of Licensed Street Vendors and the Association of the Disabled (hereafter the Union and the Association).⁷ In addition to these organizations, an NGO, the Center of Informal Workers (CIW), founded in 2010 an arena for debate and the empowerment of street vendors called the Street Vendors' Assembly. The CIW is a well-known local NGO involved in various social causes – especially access to

housing for the urban poor – whose funders and partners include domestic charities, public agencies, and international donors. It employs lawyers, researchers, and social workers. The Street Vendors' Assembly set up by the NGO gathered peddlers and peddlers' leaders from different parts of the city, most of whom had become alienated with the leadership of the Union and the Association.

As pressures against peddlers intensified, the actors devised and implemented various resistance strategies. A march called by the Union in early 2012 was attended by participants of the Street Vendors' Assembly. A subsequent march called for by the Street Vendors' Assembly, however, was “boycotted” by the Union who, according to an NGO worker, “gave the order to its affiliates not to attend the event.”⁸ Part of the Union restraint stemmed from the more conservative approach taken by its leaders. Indeed, with the help of a city councilman described by one of them as their “eternal patron,” Union leaders arranged meetings with high-ranking city officials to plea for lenience. As it turned out, “the doors were shut.” Kassab did not receive them. District administrators sometimes agreed to meet “but did not listen.” One former assistant to the councilman described the meetings as follows: “We would arrive there, tell them what was going on [i.e. denounce the arbitrary cancelations of licenses], and they would tell us: ‘That’s not possible. There must be a mistake. We’ll look into this.’ Then, the next day, they did the same thing worse.”⁸ In short, the political game, as it had traditionally been played across the boundary between the bureaucratic and political fields, was at a dead end.

The judicial battle

As noted earlier, street vendors who challenged license cancelations in court faced very poor odds. In the words of an activist, “Kassab used the law against the peddlers.”¹⁰ The activation of the

judicial field was made possible, however, by the intervention of a public defender working in conjunction with the aforementioned NGO. In Brazil, the public defender's office provides free legal assistance and litigation services to indigent citizens and "underprivileged" (*hiposuficientes*) social categories. Importantly, public defenders are entitled to file a class action on behalf of these groups, especially when the damages committed or foreseen are regarded as affecting the public interest. A class action filed on these grounds is called an *Ação Civil Pública*. In March 2012, public defender Bruno Miragaia filed a class action against the revocation of a street vendors' concentration that hosted around 200 street vendors in a low-income, peripheral district of São Paulo called São Miguel Paulista. On May 25, the lower court judge assigned to the case, Judge Carmen Trejeiro, issued a temporary restraining order enjoining the city administration to withhold enforcement until the sentence was pronounced, based on a procedural flaw in the revocation process. Indeed, a consultative body composed of government officials and civil society members called the Permanent Commissions on Street Vendors, which according to the municipal ordinance regulating street trade must be heard on matters regarding the relocation of street vendors or the cancelation of their licenses, had not been convened prior to the revocation decision.

News of this process reached the CIW, which had been studying strategies to counteract the mayor's policy. The NGO had itself a link to the judicial field. As part of a separate project, the CIW hosted a legal services unit which had worked closely with other public defenders on issues of access to housing. Drawing on such expertise, CIW workers contacted various actors in the judiciary, including two public defenders, to attempt to dispute Kassab's evictions of peddlers. While neither of the two public defenders became involved, one of them pointed CIW workers to Bruno Miragaia, who had already filed the class action on behalf of the street vendors of São Miguel Paulista. As it happened, Miragaia had worked for another public defender with close ties

to the CIW. According to one of the NGO workers involved in the process, this common acquaintance facilitated trust and cooperation. And so, after the aforementioned preliminary injunction was granted by the judge, Bruno Miragaia and the CIW began working together on a new class suit encompassing licensed street vendors in the entire city.

The second class action insisted on the “deliberate” and “systematic” policy to eliminate street vending across the city carried out by the Kassab administration, as well as on the absence of any urban planning criteria governing the process. By virtue of a provision to avoid contradictory jurisprudence, the lawsuit was assigned to the same judge, who granted the plaintiffs another preliminary injunction staying evictions citywide for street vendors dispossessed of their licenses in 2012. Echoing the claims of the lawsuit, the court order put forth a stepwise reasoning according to which: (1) the expediency, frequency, and scope of the revocations/cancelations denoted a general intent by the city administration to eliminate street vending, (2) such a project transcends administrative functions and impinges on the realm of urban planning, (3) by virtue of a set of constitutional provisions, urban planning must be carried out in a democratic and participatory manner, (4) the city administration failed to engage diverse social constituencies forming the urban environment, including street vendors themselves, despite having at its disposal the institutional tools to do so (e.g., the Permanent Commissions on Street Vendors).

The class action thus shifted the judicial focus from the legality of individual revocations and cancelations, where street vendors were at a structural disadvantage, to a sphere of rights (*direito difuso*) attending a collective body: the city. The building of the case required, however, more than a sophisticated grasp of legal reasoning. Indeed, the claim of a systematic elimination policy against peddlers had to be supported by documentary evidence to be produced within a very short time frame. A team of workers from the NGO was set up to collect newspaper articles as well as

announcements and reports from the city's newspaper of public record. In conjunction, street vendors' leaders were asked to submit paperwork, such as the fines and notices of license cancelation, attesting to the lack of proper administrative justification. According to a CIW worker involved in the process, "it was easy to obtain those documents thanks to the trust relations [with the street vendors' leaders] already established in our biweekly meetings [the meetings of the Street Vendors' Assembly]."¹¹

The politicization of the judiciary field

The second court order unleashed an unprecedented sequence of moves and counter-moves by the contending parties – a “battle” in which the boundaries of judicial competences were considerably stretched. Using a legal prerogative inherited from pre-democratic times, the city government filed for a stay of execution (known as “*suspensão de liminar*”) against the preliminary injunction issued by Judge Trejeiro. Such a request is automatically assigned to the president of the Justice Tribunal (JT) – the state's highest court – who ruled in favor of the city government, thus overturning the restraining order and clearing the way for the coercive removal of stalls by the initial June 19 deadline. The public defender and the CIW lawyer who authored the class action responded by filing an appeal against the decision by the president of the JT. The appeal was to be ruled by a special committee of 25 JT high magistrates (*desembargadores*) scheduled to convene on June 27. Alleging an “imminent risk” of “irreparable damage” were evictions to be carried out before the date of the vote, the plaintiffs also requested another preliminary injunction against the JT president's stay-of-execution order. That injunction was granted by a high magistrate on June 21 and then, in turn, revoked by the president of the JT the following day. Finally, on June 27, the special committee members upheld the initial court order by 22 votes to 3.

Beyond the judicial parrying, securing a favorable ruling by the JT's special committee required what the public defender referred to as extensive "fieldwork."¹² During the week that preceded the vote, he and the CIW lawyer who co-signed the lawsuit requested meetings with all 25 high magistrates set to take part in the vote. Twenty-two of those magistrates agreed to meet with them. At those meetings, according to Miragaia, the duo tried to raise awareness of the needs and predicament of the peddlers. Street vendors, for their part, began to stage regular protests. When the possibility of large-scale evictions materialized, the Union and the Association abandoned their conservative stance. On June 18, seven Union affiliates, including six blind men, chained themselves in front of the city hall, asking for talks to be resumed. On June 20, another march took place, which was attended by members of the Street Vendors' Assembly. Finally, on June 27, the day of the vote, more than 300 street vendors gathered in front of the JT and celebrated the decision.

The upholding of the decision meant that the roughly 1,500 street vendors whose licenses had been revoked or canceled in 2012 were able to return to selling on the streets. The city administration later appealed the JT's ruling at a federal high court but the decision was upheld and remained in force until the election of a less conservative administration and its inauguration in January 2013. The Workers' Party administration that came to power after Kassab took a more lenient stance toward street vendors, and many unlicensed peddlers went back to trading on the sidewalks, alongside license-holders who had been stripped of their titles under Kassab.

Discussion

This paper traced the struggle over the eviction (or, alternatively, the survival) of street vendors in São Paulo through the different battlegrounds in which that struggle was waged following a

blanket eviction campaign launched by the city government. It showed, first, that the making and unmaking of links between actors in different fields was crucial in both the implementation of the eviction policy and the struggle against it. The insulation of the city bureaucracy from both the political and street vending fields – what, in contraposition to linkage, can be described as a severance process – was a key step in the implementation of Kassab’s agenda. On the other hand, the “team” formed by the public defender and the NGO workers had the effect of bridging the gap between the field of street vending and the judicial field. A particular feature of the institutional architecture of the judicial field – namely, the existence of an office with both the competence and the function of bringing class actions against the state on behalf of disenfranchised groups – was a necessary condition for the activation of the field. The relative independence of the judiciary in Brazil was also important. Indeed, as Power and Taylor put it, echoing Kapiszewski and Taylor (2008), “the Brazilian judiciary is one of a handful of Latin American court systems considered truly independent” (Power and Taylor 2011: 20). And the disposition of the public defender to engage in what was seen by many of his peers as a forgone battle played a key role. Even more critical, however, was the confluence of legal expertise and judiciary competence with the information and documentary evidence drawn from the street vending field. Access to the latter was made possible through the networks that the NGO already possessed among street vendors. The linkage role performed by this agent is analogous, from a field-theoretic perspective, to what McAdam et al. (2001:26) call “brokerage” in collective action theory. As a form of agency, linkage also constitutes an alternative to challenge, where dominated actors directly confront the dominant group in their own field or in an expanded public arena (Duffy, Binder and Skrentny 2010 Turner 1975).

(Fig. 3 about here)

The diagram in Figure 3 schematizes the linkage process described above. In contrast to the normal circuit of street vending presented in Figure 1, the political field had been rendered inactive. The main asset controlled by local politicians – political influence – had become ineffective in the bureaucratic field following strategic appointments in the Kassab administration. However, licenses as well as other administrative documents and testimonial evidence – all of which had proved useless in countering the eviction policies in the bureaucratic field – became effective legal capital in the judicial struggle through the connection with the NGO in the field of civic organizations. Thus, by treating the judiciary as a field among others in a multi-field process of resistance, a more comprehensive picture of the street vendors’ struggle emerges.

At the same time, the context-specific amount and potential of the legal capital vested in the licenses cautions against hasty generalizations on the role of such assets. In São Paulo, the levels of legal capital contained in the licenses were probably higher than in other places, despite the city government’s prerogative to revoke or cancel the titles, given some provisions of the licensing procedure, such as the publication in the newspaper of public record. Moreover, it is likely that the status of São Paulo as an extreme case of repression, both in scope and intensity, created the conditions for the activation of the judicial field. But that activation was by no means automatic, and the mechanics of linkage analyzed in this article contribute to explaining why and how it occurred.

There is hardly any novelty in the claim that the judicial field is or can be an arena of political contention (McCann 1994, Scheingold 2010). The experience of street vendors and other marginal groups confirms that access to justice is not universal and depends on assets and skills unequally distributed across fields and within fields (Gauri and Brinks 2008, Rosenberg 2008, Epp 1998). Moreover, socio-legal scholars have recognized the importance of well-informed and well-

connected third parties – what Epp (1998) calls “support structures for legal mobilization” – in bringing cases in favor of disenfranchised groups, especially informal ones. Wilson’s (2011: 141) analysis of the judicial struggle of slum dwellers in Johannesburg thus emphasizes the role of a nonprofit that “was simply required to link slum dwellers up with competent legal assistance.”

On the other hand, awareness to the stratified nature of fields sheds light on the fact that the benefits of inter-field relations were not available to all categories inside the field. Unlicensed street vendors who, given their status, lacked the minimal legal capital afforded by the license faced the alternative of “exit” (Hirschman 1970) or endurance at a high cost. For those who practiced peddling part-time or intermittently, the costs of transition were probably lower, but most of them paid a high price nonetheless. And, even though unlicensed street vendors controlled other assets such as social networks and mobility, only licensed street vendors had the possibility of shifting the norms and means by which the confrontation with the city government was to be waged by activating the judicial field.

The implications for the protection of marginal groups that can be drawn from the analysis of the experience of street vendors in São Paulo are somewhat tautological. It is clear that formalization policies like the issuing of licenses need to be accompanied by enforceable legal guarantees, lest they deepen the precariousness they are purported to address. More disturbing, however, is the fact that it was a *contingent* connection to the justice field, through an NGO and a committed public defender, that preserved licensed street vendors from extinction. The license was only a precondition for resistance in the judicial field. A general policy goal could thus be to multiply and, if possible, institutionalize links between informal actors and resourceful actors in other fields. The creation of the office of the public defender was, in fact, an attempt to institutionalize such ties, which proved vital in this case. On the other hand, the lack of ties to the judiciary as well as

to other public and private fields of service provision is an inherent feature of the condition of marginality to which street vendors are subject. And the intervention of the NGO, however providential it proved for licensed street vendors, did not alter the overall standing of street vendors as participants in a precarious, subordinate field whose livelihoods can still be easily jeopardized by the actions of other, more powerful actors. Besides, the only beneficiaries were the licensed street vendors contemplated in the judicial order. Those who lost their licenses before 2012 were not protected by the ruling, suggesting that other lines of division among licensed street vendors also played a role.¹¹

Finally, it is likely that, regardless of the lawsuit and its outcome, people will keep trading on the sidewalks. The structural roots of this phenomenon lie beyond the scope of targeted state interventions in the broader socioeconomic structures of the country and the region (Castells and Portes 1989, Moser 1980). In fact, a sizeable portion of the unlicensed street vendors went on peddling, along with some licensed vendors who lost their titles. In that sense, this study does not challenge or disprove the thesis of resilience through physical mobility or the potential of social networks as a resistance asset. But it adds two important caveats. First, by framing street vending as a stratified field with unequal categories of actors, it shows that increased mobility was the dominant response among one class of peddlers – unlicensed street vendors – who lacked the institutional and relational assets to resist eviction through other channels. Second, and crucially, research also revealed that the eviction policy took an incredible toll on the welfare of both those who continued peddling and those who quit or failed to cope. Various street vendors reported cases of colleagues who fell into depression or suffered stress-related health problems such as cardiac arrest or mental disorders. As a middle-aged Black woman who made her living selling steamed

corn without a license on a sidewalk in front of a hospital put it: “Me?! Running from the police?! I can’t believe it! I never imagined this. I don’t know who I am anymore.”

Conclusion

By conceptualizing street vending as a field and examining the unsuccessful attempts at its destruction by the city of São Paulo, this article shed light on both the differential impacts that repressive policies have on a marginal group and on the diverging responses offered by its members. In particular, it showed that licensed street vendors were able to mobilize the legal capital vested in their licenses – the asset that distinguishes them from the category of unlicensed peddlers – leading to the activation of the judicial field. At the same time, mobilizing this asset required a linkage process performed by an NGO with ties to both street vending and the judicial field.

Attention to the conditions for, and unequal impacts of, relations across fields can benefit other studies of political struggle or pro-poor litigation involving informal groups by inviting an analytic breakdown of the affected constituency into winners and losers even when judicial action is successful (see Wilson 2011). More broadly, the experience of street vendors in São Paulo serves as a reminder that, while social ties can be an asset (Granovetter 1973), the process of creating ties with actors in other fields is constrained by the availability of other, unequally distributed assets inside the field.

Notes:

1: Statistics on street vending are scarce and often unreliable. The figure of 5,500 was arrived at by adding up aggregate official records. It is consistent with estimates provided by representatives of licensed street vendors, public officials, and non-government experts.

2: Field theory provides a general approach to the social world which echoes, and draws on, other general theories such as Giddens' (1984) theory of structuration. The conception of social fields employed here, which stresses political-economic relations, is admittedly partial amid an array of other possible conceptions, especially those emphasizing cultural and symbolic aspects (e.g., Bourdieu 1984, Ferguson 1998, Turner 1975). A survey of such conceptions lies beyond the scope of this paper. Overviews can be found in Martin (2003) or Fligstein and McAdam, who also discuss differences between strategic action fields and other theories (see Fligstein and McAdam 2012:23-31).

3: Interview with the author, São Paulo, November 2013.

4: Author interview with Ricardo, the leader of a street vendors' association, São Paulo, July 2012.

5: Author interview with NGO worker, São Paulo, July 2013.

6: See newspaper article by Paulo Saldaña, "Operação Delegada alcança toda São Paulo e 3.500 PMs poderão fazer 'bico oficial'," published in *O Estado de São Paulo* on March 29, 2011.

7: Names and initials are fictitious. Disabled street vendors form a sizeable minority among licensed street vendors following a municipal decree dating back to the 1950s.

8: Author interview with Rubens, former assistant to city councilman, São Paulo, September 2013.

9: Author interview with employee at CIW, São Paulo, October 2013.

10: Author interview with public defender Bruno Miragaia, São Paulo, September 2013.

11: The impact of and responses to Kassab's policy also varied among licensed street vendors. Explaining within-group variation for the latter falls beyond the scope of this paper, but the unequal distribution of assets *among* license-holders, in particular the distribution of political capital, was clearly a discriminating factor.

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