

Construindo um mercado: infraestrutura, representações e suas controvérsias como agenciamentos na configuração Feira da Madrugada (SP)

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Abstract: This paper shares initial results of a research conducted at a vast marketplace comprising hundreds of stalls, the *Feira da Madrugada* (Night Fair), located in a consolidated area of popular commerce for inexpensive textiles in Central Sao Paulo. This paper traces the succession of infrastructural configurations and regulatory devices of the market, as well as the disputes, resistance and subversion through which they operate. It describes how traders and government dispute and mobilize material devices to shape representations and values, defining the proper objects, forms of transaction, agents and spatial configuration of this market. In conversation with the recent scholarship focusing on materiality and infrastructure in the constitution and government of markets, this paper argues that moral crises are of paramount importance to the creation of new devices, and that devices operate in constituting this marketplace as much through their regulatory and material aspects as through the creative operation and subversion by traders.

This paper constitutes an attempt to organize some initial insights resulting from an ongoing research conducted at a vast marketplace comprising thousands of stalls, the *Feira da Madrugada* (Night Market) and its surrounding streets in Brás, a neighbourhood in central Sao Paulo and a consolidated area of popular, mostly wholesale, commerce for inexpensive textiles and accessories. This nod in global circuits of goods and persons promotes economic transactions amidst significant sociocultural diversity: traders, many of which migrants from China, the Middle East and South America, meet in their stalls customers, amongst which travelling salespersons from various regions of the country and Lusophone Africa, to exchange goods from different parts of the world.

The research aims at reconstructing the assemblage that constitutes the Market and the permanent negotiations over the regulation of activities, goods and the space where the transactions take place. Within this broader scope, this paper traces the constitution of the Market, the numerous regulatory devices and the succession of infrastructural configurations in operation since its inception, as well as the clashes and crises, many caused by moral panics (Cohen 1972), through which they were disputed, resisted and subverted. The aim is to analyze

how infrastructural, temporal, spatial and legal elements shape representations and values, qualifying objects, agents and the area, as well as legitimating activities by creating the *proper* agents, forms of transactions and uses of urban space. Through planning, regulating, and building, such devices materialize ideals, intentions and practices of society, displaying thus a moral quality. Representations are produced in association to and influence the production of particular material properties of this market, its goods and agents, as well as their worth. In this paper, I analyze the disputes of representations through attempts to define these properties.

In the early 2000s, informal street traders of inexpensive mass-produced clothes and accessories started gathering nightly on a commercial street already known for garment trade in Central São Paulo. Conflicts with daytime traders over space and the local government led these traders to migrate to a new area a mile away: they squatted a large abandoned railroad depot owned by the extinct national railway network. At first, stalls were negotiated by a private firm and associations formed by traders, which also organized the space, its activities and services, regulating qualified agents and forms of trade, often with conflicts over the ability to negotiate stalls. The local government, gaining the right to use the area by the Federal Government in 2010, vowed to create new facilities in the area, complying with counterfeit laws, safety regulations and legally distributing stalls. In fact, this was part of a larger strategy to regenerate the main areas of street commerce in Central São Paulo, with the stated aims of creating better connections among them, safer facilities and better services for users, regulating traders and their use of land.

The contested use of space, varied origins of traders and buyers, as well as the opacity about the provenance of goods still cast stigmas and generate moral disputes over the Market and its activities. There is a permanent dispute for the imaginary surrounding this market, between the shadow of their activities and the space in which they are performed, on the one side, and the celebration of entrepreneurship, the consumption of the poor, the creation of jobs and economic opportunities for the city, on the other. It attracts more than twenty-thousand customers per day, mostly wholesale buyers and traveling salespersons from different areas of Brazil. As the Municipal Secretary of Development, Work and Entrepreneurship contends, the Night Market "has become, for its good and its evil, a symbol of the city" (Personal

Interview). Despite and by means of controversies and different representations, agents and the state have constructed a marketplace that is known across the country and beyond.

These disputes mobilize physical and material aspects of the market to advance different moral views. In fact, at least three material aspects of the Market have a moral nature: the space of transactions (land use, cleanness, safety features and facilities offered to users), the quality of transacted goods (legal, properly imported, produced according to standards, regulations and under brand license, if applicable) and the qualification of traders (legal migrants, holding legal personality and permissions for trade). Moreover, material elements ascribe a double moral nature. Material aspects such as the spatial distribution of stalls, safety features, qualities of goods and formalization of traders shape the public worth and societal perceptions about the adequacy of transactions, and are permanently mobilized and played with by traders and government officers to create the moral order of the Market, defining the legitimate goods and agents, their rights, obligations and relationships of cooperation and competition.

This is a history of fragile and conflictual attempts to build a *proper* marketplace for informal trade. The legitimate trader is also a product of the political, conflictual operation of such material and regulatory devices, an effect of their power to distribute agencies, define the boundaries of this assemblage and who are the *proper* agents that can trans(act). In more conceptual terms, this paper intends to contribute to the understanding of the role of material devices in the constitution of proper places for and traders of popular, everyday commerce of mass-produced goods. It is concerned with the material organization of informal market transactions in the city as an element of constitution of proper agents, forms and spaces of exchange. These physical features define the worth of agents and goods. Yet it also addresses market-making as a contested process place-making in the global city, especially as a locality of migration and diversity, as suggested by Hall (2015), Glick Schiller and Çağlar (2009) and Hiebert, Rath and Vertovec (2014).

This contribution falls in the intersection of social studies of urban assemblages and markets inspired by the Science and Technology Studies (STS). This study aims at contributing to these streams of scholarship by: (1) emphasizing the role of contestation, subversion and the emergence of new resources in the agencements that permanently produce this assemblage;

(2) accounting for the practices of exclusion that result from the operation of agency-distributing devices and (3) indicating the paramount role of the pragmatics, or politics of regulatory devices in the construction of markets as new, morally legitimate places in the urbanscape. Market devices here are also moral: more than distributing calculative agencies and rendering transactions economic, they distribute legitimate transacting agencies and define the morally appropriate transactions, agents and goods.

Authors in economic sociology and urban studies working in the tradition of STS recognize the role of infrastructures and material devices as agencements in the construction of markets, new urban places and subjects. They also acknowledge that the workings of devices is not entirely a history of attachment and smooth assemblage, but also of resistance. In the case of STS-inspired urban studies, the politicized nature of urban assemblages has been recognized as well (Bender 2009; Fariás 2011). However, empirical studies of urban and market assemblages do not examine the politics or asymmetries of power in the agencements (Madden 2010). They focus on successful examples and smooth operations of relatively well-attached agencements, overlooking subversion and the play with rules. The Pragmatic turn proposed by Callon, Millo and Muniesa (2007) remains, in this sense, interrupted.

Contrary to the many examples to be found in the STS-inspired studies of markets and urban assemblages, *agencements* here are not always successful, never stabilized and operate under a large margin of subversion and creative play. To understand the Night Market, the purposefully vague notion of "friction", developed by Tsing (2005), or the attention to "breaks in the network" (Riles 2010: 796) of *agencements* are consequential. Crises, conflicts and resistances are essential sources of newness in terms of material arrangements, new policy instruments and commitments in which this market is based.

The precarious nature of such devices and the degree of subversion could betray the analyst into denying the existence of a moral order in such setting. Yet the precarity and constant succession of new configurations and policy instruments does not preclude a pragmatically organized (and stratified) reality with internal rules of engagement, rights and obligations, as Whyte's (1943) classical study of Boston's North End showed. These must be explored in order to avoid endorsing ideologically charged representations fuelled by media.

Moreover, the basic effects of the operation of material and regulatory devices is to distribute agencies and create new relations. By distributing agencies, they constitute the agents who can transact, excluding others agencies who are not deemed legitimate. There is an asymmetry in this distribution and, in this sense, the agencements must be analyzed alongside hierarchies of power, identifying which agents can steer regulations and material configurations to their own advantage.

The rule of law and the politics it generates are paramount for the constitution of this market, an aspect addressed for different settings by Mitchell (2007), Riles (2010) and Onto (2014). As Mitchell asserts, "markets depend on a form of politics in which relations among agents are governed by rules of property and contract. These are among the distinctive technologies of power and obligation in market societies, generating a variety of micro sovereignties, disciplinary regimes, and coercive forces" (2007: 245). This assertion stresses yet another critical feature of such devices that is raised in Riles (2010: 797) study of collaterals: their operation is the realm of "explicit politics" and not a mere interpretive practice oriented by models. In a similar vein, Roy has indicated how the "legalization of informal property systems" is "a complex political struggle" (2005:150), a moment of "great internal conflict [...], a brutal sorting out of 'legitimate' claims" (ibid.: 152). Technologies of markets and land use regulations do not operate in deferral of politics, as argued by Ferguson (1990), but have a profoundly political pragmatics that must be accounted for. In this pragmatics, materiality comes to fore: legal instruments are neither cold stones, nor dead texts produced by experts. They perform through their material aspects as well, which create specific agencies.

This on-going analysis uses a combination of document analysis of political debates and decisions on the legislative and executive arenas, media coverage about activities and conflicts, as well as fieldwork insights into the operations of this marketplace. This paper offers an analysis of all 517 entries about the area¹ in the São Paulo Municipal Official Bulletin (Diário Oficial de São Paulo), a governmental publication by the Municipal government that covers executive decisions, legislation, town hall debates and until 2013, news. This database is

¹ The search was conducted at the online version of the Bulletin, covering the period of January, 2005 until the present, employing the expression "Feira da Madrugada" in quotation marks. The results can be checked here: [http://www.docidadesp.imprensaoficial.com.br/ResultadoBusca.aspx?PalavraChave=%22Feira%20da%20-Madrugada%22&Caderno=&dtInicio="](http://www.docidadesp.imprensaoficial.com.br/ResultadoBusca.aspx?PalavraChave=%22Feira%20da%20-Madrugada%22&Caderno=&dtInicio=).

complemented by articles from three main Brazilian media outlets: two newspapers, Estado de Sao Paulo and Folha de Sao Paulo, as well as an online news website, G1 owned by Globo, a major communications company. These pieces indicate representations of the Night Market, many of which prompted political debates and policy action. In this sense, representations are also reflected in policy decisions and instruments that advance particular visions. These are investigated through the Bulletin.

The paper is organized as follows: I first provide a general overview of the Night Market, followed by a historical account of the multiple and transient configurations and devices which, through crises and attempts to tackle them, constituted and valued the Market, its agents and transactions. Finally, I discuss what this case can show in terms of understanding the role of materiality in the configuration of morally adequate urban spaces and agents for the transaction of legitimate goods.

Mannequins, corridors and LUPs

Right after two in the morning, the security personnel open the large gates of the once vast railroad depot of the British-owned Sao Paulo Railway, first widely known in the city as "the English" (a inglesa, in Portuguese) and later as Santos-Jundiaí, when the company was nationalized in 1946. The latter denomination referred to the two termini of the railway, which connected the coffee-rich interior to the main exporting Port of Santos. A commuter train line confined by walls currently cuts the depot, but one will not find any of the previous multiple manoeuvres and waiting tracks or cargo embarkment platforms entering these gates and, despite the still standing derelict brick buildings that carry "SPR" inscriptions, this past is mostly ignored by the thousands who cross such gates. The movement of freight handlers, dispatchers and railway operators has long been superseded by that of vendors, travelling salespersons and curious consumers. Trains have now been replaced by hundreds of buses passing through protected gates and bringing thousands of customers seeking inexpensive goods in more than four thousand stalls that currently populate the area, in a grid of long numbered corridors forming colored sectors under a common roof.

The area was an important junction for railroad freight and passenger carriage in the early decades of the twentieth century. An important part of the national production in the early

decades of the twentieth century passed by the depot, and factories surrounded the area to take advantage. The main passenger terminal of the railroad connecting São Paulo to Rio de Janeiro, and there to Northern parts of the country, now a commuter train station, is located just few blocks south of the depot. Many migrants would first arrive and settle in the area, yielding numerous stores of Northeast foodstuff and objects.

Yet the streets of Brás have long become strongly associated with production and mainly trade of textiles and clothes. Its main street, Orient (*Oriente*), indicates another important human element to the area, the Levantine migrants devoted to the textile business. Brazilians think of Brás as an area for bargains in clothes, the national Mecca to find cheap jeans, fitness outfits, socks, underwear, clothes for Neo-protestants, wholesale inexpensive fashion, and also mannequins².

For more than a decade now, commerce resumes after commercial hours. Nightly, hours after the closure of stores, the streets are once more lit by shining facades of commercial galleries with LED signs, hundreds of street vendors that sell on the sidewalks and, at the end of Orient Street, in the previous railway depot, the Night Market. The area is large, as is the number of stalls, but users and even government officers often call it by the diminutive “feirinha”, in a recurrent linguistic device employed in Brazil to indicate intimacy and domestication.

What exactly the Night Market, advertised as the largest open air shopping center in Latin America (a title that is challenged by Tepito, in Mexico City) comprises is open to a dispute of symbolic and regulatory boundaries. Night Market might denote the large gated structure of more than four thousand stalls that now occupy the Pari Depot, with authorized vendors, and this is the meaning bestowed by the Municipal government and used for law enforcement and regulatory purposes. More broadly, and often in the parlance of customers, wholesale shoppers and traveling salespersons, the Market comprise not only the market at the depot, but also the adjoining Monsenhor Andrade, Orient, Barão de Ladário and Juta streets with night peddlers and the multiple commercial galleries built into refurbished factories to accommodate thousands of informal vendors. In its broadest meaning it has become a brand with no local reference to the area, referring to all sorts of Markets selling mass-produced

² So widespread is the imaginary of Brás as an area for great opportunities to buy inexpensive clothes, that I was asked to take Indigenous visitors from the Amazon with which I conducted research in the past to the area.

garment at bargain prices in several cities of Brazil under that name. This fluid existence is related to the historical formation of this market, its representations and the operation of material devices which, by distributing agencies, stratify this landscape of trade, inscribing a particular topography of inclusion and exclusion, complementarity and rivalry between the market main construction at the Pari Depot and the broader scape spreading on streets and commercial galleries.

The Market at the depot is certainly the focal point, where many visitors first arrive and most buses park. It is also central to the history of devices deployed to organize the informal commerce in the region. Entering the Night Market and its narrow corridors of stalls, now under private concession and called “São Paulo Shopping Circuit”, in the early hours of the morning, one is first greeted by mannequins, some still naked, put outside the stalls while vendors dust and take their goods out of boxes. It is right after two and all the lights are on, but there is still silence and long corridors of closed stalls with their metallic doors. As customers from at least five states of Brazil (São Paulo, Rio de Janeiro, Paraná, Santa Catarina and Minas Gerais), some of which travel around a thousand kilometers, leave their buses thrilled with the bargaining opportunities and the night buzz they find quintessentially “paulistano”, i.e., a behavioral sign of metropolitan São Paulo, stalls slowly open, first in the extremes of the hallways and in areas of larger circulation, closer to the entrances.

A smell of deep-fried food and coffee emanates from the dozens of cafeterias and snack bars. One of the largest cafeterias, spreading over multiple stalls, advertises its Yakisoba, perhaps in an attempt to attract the Chinese vendors. Migrants from diverse generations and regions of China share this space with people originating from Andean and Levantine countries, and migrants from the Brazilian Northeast. They trade with people from all over Brazil and Lusophone Africa. Outside the built area, along the streets of Brás, the number of Bolivians and Peruvians increase and there are also vendors from multiple African countries and Haiti.

After a long bus journey, many rush to warm themselves and obtain some energies with coffee or soup. The rhythm of the Market is dictated by time, but as explored below, also by a score of rules defined by the local administration. The movement is languid at first and progresses in a crescendo, peaking during sunrise and after, when the murmur gives occasional way to music from speakers installed at stalls or the call from vendors attracting customers to

their stalls. However, there is no excessive noise or generalized hawking. The presence of families with children and groups of friends strolling around contributes to the relative tranquility of this setting. Customers discretely negotiate with vendors, moving with carts or large bags where they store the purchased goods and have granted them the name “sacoleiros” (a vernacular term that would roughly translate as bag-carriers in Portuguese). Those traveling salespersons and wholesale buyers move skilfully and swiftly through the corridors they know well. Along the corridors with thousands of stalls, one can find a slightly altered, cheaper variety of textile products that are found in the daytime stores of Brás: adult and children clothes, mainly imported from China, but also produced in local shops, with seasonal diversity. During fall, jackets, coats, swede clothes that invoke country fashion and synthetic pullovers with Disney characters have taken the summery place of jeans shorts and leggings. There are also jumpers and fitness outfits from known sports brands, feminine bags, wholesale sockets, tights and underwear, accessories like belts, wallets, bijoux, sunglasses and makeup. There is a significant number of stalls specializing in plus-size clothes and Neo-Protestant fashion. A few stalls sell sneakers, small electronic appliances and cell accessories. There is a strong product, but differently from the known literature on bazaars (Geertz 1979) and Markets (Palmeira 2014), no spatial specialization by vendors: stalls sell a limited array of one sort of goods, say jeans or women's bags, and are only authorized to do so, as explored below. These goods are evenly distributed and are recurrent across the colored sectors of the Market, indicating a common origin and internal competition.

Stalls are small rectangles of two or three square meters, but some spread over two or more of these spaces. Their interiors are the realm of vendors, which have different forms of displaying goods and using the space. Until recently, the only common element to all were codes and numbers in superseding attempts to register, count and identify them, and an A-4 sized paper with the name, signature and picture of the authorized vendor, the specification of goods they could trade and a set of rules. They are numbered and bring previous registration numbers when applicable. These are called land-use permits (“LUPs”, termo de permissão de uso in Portuguese) and, as explored below, they are an act of constitution of the proper trader.

Right in the center of the area, a number of guiches sided by a wall with notices face an image of Our Lady of Aparecida, the National Saint of Brazil. These guiches represent the ad-

ministration of the market. It is in this space vendors develop a relationship with management, raise claims and pay for the use of space. But the relationship of a proper trader with public agents of regulation is scattered through other sites as well: the submunicipal government of Mooca District, specific municipal secretaries and forces of law enforcement from the local, state and federal governments.

The Night Market is a nod in the global fluxes of persons and goods (Hannerz 1997), a fragment of an even larger assemblage that encompasses from sites of production in Mainland China to those of final consumption in Brazil and Angola, through which it is connected by multiple agencements as well. There are compelling reasons to reject an analysis of the Night Market as yet another generic scene of informal commerce in the Global South. Since Hart's classical study of informal income opportunities in Accra (1973), it is widely known that informal and formal sectors are connected. In the case of the Night Market, this connection operates through formal sites of production, even if the channels of transportation and distribution are opaque, but also to other nodes in these circuits of persons and goods (ports, borders, regional fairs where goods are resold and consumption sites). Furthermore, the history of the agencements that comprise the Market is a history of attempts and conflictive claims of formalization. The constitution of the Night Market and its subjects is marked by a succession of devices that distribute agencies, defining a particular interactional framing for the space in a quest to formalize the transactions and spaces, or in other words, limiting the claims to legitimately transact in the space. Formality, as much as informality, is produced by the state through regulation and planning (Roy 2005). The latter defined as a problem to be excluded and a challenge for planning; the former as a goal.

The once large rail infrastructure has been transformed, adapted and re-signified into a popular marketplace. Migrants and locals have actively remade this urban space, from railroad junction to an internationally known area for garment trade and to a popular shopping area. The making of this marketplace is equally a process of active "place-making" by both traders and the local government, as described by Glick Schiller and Çağlar (2009), in which symbolic and material properties are disputed. But in the case of Brás, this is neither a new, nor an exclusive feature of the contemporary city: successive waves of migrants have made and re-made this area as a popular commercial place for garment for the last century.

I now turn to this historical process of constitution of the Night Market, retracing the changing infrastructure and regulatory devices in operation and contestation on the make of the morally adequate space, agents and goods for exchange.

Streets of no concord, or the allure of a parking lot

I asked in 1994 to manage this plot of the Federal Rail Network close to Pari Station. A cession of use was provided. After [José] Serra won elections [for mayor], Doctor Andrea Matarazzo [sub-mayor for the central district of Sao Paulo] contacted me to say that it was Serra's [Mayor of Sao Paulo] aim to take buses out of the streets and into the land. I bet on the idea. Suddenly, it was difficult to find places. The buses started to arrive during the night. Street vendors started to ask to stay in the area. Since buses arrived early, [people] bought from them. The Popular Night Shopping was inaugurated in August, 2005 (Geraldo de Souza Amorim, interview to Folha de São Paulo)³.

Geraldo de Souza Amorim was the first manager - the term is native - of the Night Market at the Pari Depot, or as he used to name, the "Night Popular Shopping". Amorim was murdered during a robbery in suspicious circumstances three months after this interview which was part of his denunciation of an extortion scheme by members of the party that then controlled the Ministry of Transportation⁴. After the extinction of the Federal Railroad Network (RFFSA) in 2007, the Ministry took control of all its facilities.⁵ In exchange for the right to use the area, Amorim had paid RFFSA, but now party members wanted him to pay bribes or abandon the area. Amorim felt he was betrayed by old allies when he lost control over the area in the previous year to the Municipality. He regarded himself as the mastermind behind the market at the Pari Depot, using it first as a parking lot to the hundreds of buses that brought daily shoppers to Brás, but soon realizing the potential of leasing spaces to street vendors.

³ PR fez "rolo compressor", diz empresário. Folha de São Paulo, 23/06/2011. <http://www1.folha.uol.com.br/fsp/poder/po2307201107.htm>

⁴ Ex-administrador da Feira da Madrugada morre após se baleado em assalto. Estado de São Paulo, 20/09/2011. <http://sao-paulo.estadao.com.br/noticias/geral,ex-administrador-da-feira-da-madrugada-morre-apos-ser-baleado-em-assalto,775126>.

⁵ According to Law 11.483/2007, article 8th.

According to accounts of vendors, they first established on the streets of Brás during the night coming from another important street for popular commerce in Sao Paulo, 25th of May Street. Conflicts with day time vendors and law enforcers made them migrate to Brás, an area that was already strongly associated to inexpensive clothes and wholesale buyers. However, conflicts persisted. During 2005 and 2006, numerous media articles inform the constant attempts of the Municipal administration, with the aid of the police, to prevent the use of streets in Brás during the night. Commercial galleries and the abandoned depot in the area, which was used as a parking lot, seemed good alternatives to escape state's repression.

The commerce that takes place at the Pari Depot was first mentioned in the newspapers in July, 2005. The piece informs that spaces in an area owned by the Federal Railroad Network were being reserved and that there were plans to convert it into popular shopping center, a market for street vendors⁶. Nonetheless, the main attention of media and action of the local government was turned in the first years to the use of streets of Brás and the main square of the neighborhood, the Concord Square (Largo da Concordia), by street vendors during the night. In the first three years of publications and interventions, Night Market referred mostly to the street commerce and became a public problem (Hirata 2014), held as a compound of disorder and risk requiring the intervention of the public administration: irregular land use, smuggled or counterfeit goods, safety risks, unMarket competition with formal businesses and the consequent decrease in formal jobs, as well as the neglect to city ordinances were associated to it. At that time, the Municipal government treated the emergent street night commerce of Brás as a problem to be eliminated through the action of law enforcement.

On the 14th of February, 2006, the cover of the São Paulo Municipal Bulletin informed about operations to prevent street vendors of setting up a “true illegal Night Market that has been set up in the past five years without authorization” in Brás:

Producing big noise since 3 am, every day, the Market bothered the sleep of the local population, which was put at risk, together with vendors and pedestrians, due to the diversion of electrical output from light poles [...]. In addition, the intermittent unloading of goods from cars to the stalls, their assembling and disassembling and the chaotic parking of vehicles on the street caused problems on the traffic of the nervous centers of the city [...].

⁶ "Camelô paga para reservar ponto". Folha de Sao Paulo, 15/07/2005: <http://www1.folha.uol.com.br/fsp/cotidian/ff1507200510.htm>.

Other horrendous effects came with the setting up of the Market: streets would be totally dirty in the morning and with remaining iron structures hindering the circulation of people; the dismantling of stalls took long, constraining the established commerce, sometimes even preventing shop owners of opening their doors; and, the most serious, it [this Market] served to distribute falsified and smuggled goods [...]. During the night of the tenth, another operation of the Sub-municipal government in partnership with DEIC (Department of Criminal Investigations) [part of the State Police] prevented the Market at Orient Street of setting up and goods warehouses, which provided goods for the irregular street vendors were closed. Besides storing more than 1 million goods without [known] provenance, these places had precarious conditions in relation to safety, health regulations and documentation. A similar operation was conducted on the 3rd of February on the same area, when 120 thousand items were apprehended and three buses from Paraguay were apprehended”⁷.

In August, 2007, the Sub-municipal council of Mooca, in charge for overseeing and enforcing ordinances in Brás initiated a daily operation with both the local and state police forces to prevent street vendors of selling goods in the street during the night. The goal, the Sub-Mayor declared to the Sao Paulo Municipal Bulletin, was "to finish for good this illegal commerce, which harms formal employment, fosters criminality and promotes the unMarket competition with established workers and entrepreneurs"⁸. Such operations would persist until 2010.

For those selling on the streets, the relationship of vendors, buyers and the state was fundamentally mediated by police. Popular shopping galleries and "*bolsões*", markets on empty plots of land, normally parking lots, were regarded as a solution as long as the vendors could show evidence of the provenance of goods and payment of taxes: "Initiatives with formal employment and products of known origin interest us. What does not interest us is the use of public space to sell illegal goods" asserted the Sub-Mayor⁹.

In that sense, irregular land use was not the only problem to be tackled: the Municipality also showed a strong commitment to anti-counterfeiting and anti-smuggling measures, to which it

⁷ "Combate ao comércio irregular cria novas oportunidades de trabalho". DOCSP, p. I, 14/02/2006.

⁸ "Prefeitura inicia operação noturna contra comércio irregular no Brás". DOCSP, p. II, 21/08/2007.

⁹ "Combate ao comércio irregular cria novas oportunidades de trabalho". DOCSP, p. I, 14/02/2006.

gave publicity¹⁰. The persistence of news about the Night Market and police actions show the resistance and the development of specific skills to circumvent devices by vendors. Information on future police and local government operations, negotiations and agreements with officers, including but not restricted to extortion, were ways of maintaining trade in the streets. Overall, the regulatory devices related to the goods and the use of space generated a politics of street use, as shown by Rabossi (2011) for the street commerce in Ciudad del Este, Paraguay, an important point of entry of mass-produced imported goods into South America. Some areas, such as the Concord Square, were abandoned by vendors, but in other streets vendors return as soon as operations by police and task-forces end, and the right to occupy urban land was constantly and informally negotiated with officers from the Sub-municipal government and the Municipal Guard, in a market on its own.

For those working inside the premises of the Pari Depot, the situation was different. They also established a direct relationship with the management by Amorim and other associations that competed for the control of the area. Despite being a property of the Federal Government, prices for leasing spaces were privately negotiated. Amorim, in turn, maintained a relation with the Ministry of Transportation. In this initial period, the local government did not formally intervene directly in the area, although in August, 2008, cases of extortion by officers from the Sub-municipal government of Mooca surfaced in media¹¹ and Legislative debates on the Town Hall¹². The North Side, facing the intersection of Monsenhor Andrade and Sao Caetano Streets were slowly taken by a patchwork of stalls made of metal structure and covered by plastic, surrounded by a large area where hundreds of buses parked.

This neglect was not overlooked, especially given the general discourse of the then local administration concerning urban order and the focus of their actions on the enforcement of ordinances. A member of the Town Hall, whose main political strongholds are the districts of Bras, Pari and Mooca, chose the disorder, private control and illegal goods of the Night Mar-

¹⁰ “Apreensão de produtos no Brás e de máquinas caça-níqueis em Vila Prudente”. DOCSP, p. II, 18/08/2007. And “Prefeitura destrói 1,5 milhão de CDs e DVDs piratas e contrabandeados”. DOCSP, p. I, 18/12/2007.

¹¹ “Polícia prende suspeitos de integrar nova máfia dos fiscais em SP”. G1, 11/07/2008. “<http://g1.globo.com/Noticias/SaoPaulo/0,,MUL643486-5605,00-POLICIA+PRENDE+SUSPEITOS+DE+INTEGRAR+NOVA+MAFIA+DOS+FISCAIS+EM+SP.html>”

¹² The 377th Ordinary Session of the Town Hall on 6th of August, 2008, was partially devoted to discuss corruption charges levied against officers as a result of an investigation by the State Prosecutor’s Office, and call for a Special Hearing Commission on the subject. Media articles discussing the accusations were published

ket as one of the targets of his political action. Amorim, the Sub-Mayor of Mooca and the secretaries in charge for the regulation of street commerce (Secretary of Development, Work and Entrepreneurship and Secretary for the Coordination of Sub-Municipal Governments) became their main enemies. First elected in 2004 and still in office, Adilson Amadeu used his speech time at the Town Hall no less than 45 times to denounce the situation of the Night Market at the Pari Depot, from July, 2007, until November, 2015. After a visit to the area in November, 2007, he brought a number of goods he purchased in the Market and called the Town Hall and the Mayor's Office to take action against the irregular situation:

*[...] famous "Night Market", as said before, with 4500 stalls. Today there were 228 buses parked there. Every day more than 30 thousand people visit the area. I and my assistants had some trouble, because there are more than 100 security guards, true bouncers, and they tried to take our camera. I used the opportunity to show the disorder of our city: I bought counterfeit goods, for example this Puma bag - I am sending this material to the press [Speaker shows various goods]. I bought a nice pair of sneakers for 50 reais; a little game, Mr. President, for 8 reais; ten caps, beautiful caps, for 5 reais; a nice Puma t-shirt which is counterfeit, smuggled. I want to see what the Mayor do. [...] Let's close this shopping center, because it has no documents, Mr. President. [...] I called the house of Mr. Eduardo Odloak [Sub-mayor of the Mooca District] at 5:55 am. I apologized for waking him up and asked him to close the shopping [...]*¹³.

Amadeu asked several times for the closure of the Market, but he was not against street commerce and his speeches reveal a continuous relationship with associations of peddlers. In several speeches he stresses the importance of trade in terms of income for vendors. However, he repeatedly attacks the Municipality for not taking action to regulate the activities and repress the trade of smuggled and counterfeit goods. Amadeu shared the vision that the solution to the problem of street trade was to find adequate places where exchange could safely happen, involving legal goods with invoices and registered vendors. In later 2007, he commented the operations by joint Municipal and State forces to prevent the Night Market in the streets of Bras, assessing that while these operations were important, they had "to be Market and see the social side of those who have conditions to work with LUPs, in an adequate and

¹³DOCSP, 01/03/2008, p. 118. Speech at the 312nd Ordinary Section, 22/12/2007.

specific place”¹⁴. One year later, he called for regulation of the activities, stating that “a norm is necessary, a condition to the work of those who are willing to legally work”¹⁵.

The Legislative debates of the period reflect the Mayor’s Office crusade to clean the streets of Sao Paulo from anything that disturbed the public order, represented health or safety risks and violated intellectual property rights. This crusade was epitomized by the closure, in September, 2008 of a major gallery on the 25th of March Street by the Secretary for the Coordination of Sub-Municipal Governments himself, with the apprehension of a large number of imported objects and the prison of the owner of the space. The “sheriff”, as the secretary became known, extended the repressive actions to street trade made even by vendors holding LUPs.

The outcry against smuggled and counterfeit goods also affected the Night Market, but some local representatives attempted to differentiate the traders on illegal goods from LUP-holding vendors and defend the latter from the repressive actions by the Mayor’s office. They also condemned the extortion practices by government officers. Town Hall representatives from the Workers Party were particularly vocal, during the 2005-2012 period, against the use of security forces against street commerce and the illegal relationships it produced with government officers. They advanced views on the importance of informal commerce and the need to regulate it:

*[...] there is a professional category that acts in the boundaries of the law, that of the street vendors, which although having permission to work, continues to be prosecuted and discriminated, especially in the central part of town. [...] I would like, in any case, to call your attention [...] to the discrimination suffered by street vendors that hold LUPs in our city and continue to suffer in the hands of authorities. This is absolutely incorrect, because there is enacted law at this House regulating street trade [...]*¹⁶.

[...] What we cannot admit is that the street vendors of this city are being treated as bandits - this is the way the current administration is

¹⁴DOCSP, 04/01/2008, p. 47. Speech at the 281st Ordinary Session, 05/09/2007.

¹⁵ DOCSP, 13/12/2008, p. 97. Speech at the 377th Ordinary Session, 06/08/2008.

¹⁶ DOCSP, 01/03/2008, p. 118. Speech of Mr. Jose Americo, leader of the Workers Party at the Sao Paulo Town Hall at the 312nd Ordinary Session, 22/11/2007.

treating parents trying to make their living in the streets of the city of Sao Paulo [...]¹⁷.

[...] At the same time they used the Metropolitan Civil Guard to chase street vendors, instead of protecting children, teachers and schools -, they favoured the old “Inspectors Mafia” [...]¹⁸.

[...] [We must] try to solve the street vendors problem, because they cannot be extorted, corrupted, they cannot be forced into giving money to the Government to work.¹⁹

[...] During 2008 there was an implacable persecution to LUP-holding vendors in the central region of Sao Paulo. Listen, LUP-holders, that is, regular street vendors in central Sao Paulo. What is said about them? That they are in inadequate spaces because they harm public safety; in other places they would harm this and that [...]. We do not have, in reality, a legal corpus that gives street vendors legal security, that is, the street vendor goes to Mayor’s Office, registers, gains their right and from that point on the LUP they receive is a right, but even so they suffer a permanent legal instability. [...] A series of hindrances have been created to the regular street vendors. However, [...] we have the Night Market taking place violating laws, selling goods in a totally uncontrolled way. I am in favor, by the way, of Markets with the features of the Night Market, I am not against street commerce, I believe it makes the city better, not worse, but I also think that there must be a law and the street vendor must be regulated and, obviously, can trade only legal goods. [...]²⁰.

This vision is associated to the concession of LUPs and the legal nature of traded goods. At the same time, the noticed insecurity faced by vendors holding LPUs during the period well demonstrates the precarious nature of the device. Land-Use Permits were created as a device to regulate street commerce in 2002, by de Decree n. 42600. They attempted to discipline the use of streets giving a special authorisation that, in practice, constitutes a new subject: that of the regular street vendor. LUPs are given to registered vendors, against payment of a Municipal tax and can be revoked at any time by the Sub-Municipal government in charge for the

¹⁷ DOCSP, 13/12/2008, p. 86. Speech of Mr. Joao Antonio at the 377th Ordinary Session, 06/08/2008.

¹⁸ DOCSP, 13/12/2008, p. 96. Speech of Mr. Francisco Chagas at the 377th Ordinary Session, 06/08/2008.

¹⁹ DOCSP, 13/12/2008, p. 97. Speech of Mr. Paulo Fiorilo at the 377th Ordinary Session, 06/08/2008.

²⁰ DOCSP, 19/12/2008, p. 95. Speech of Mr. Jose Americo at the 415th Ordinary Session, 06/11/2008.

area where trade is performed (article 19 of the Decree). They require compliance with spatial and behavioural rules. Vendors cannot use sound equipment to promote the sale of their goods, work shirtless or gamble in the area (article 39). LUPs are both a legal instrument and a material device: regular street vendors must comply with a number of rules, but also carry the paper that proves their right to work, a true birth certificate for the proper street vendor, through which they assume obligations and establish a relationship with the Municipal government.

Both the Municipal actions against counterfeit goods and the corruption scandal involving officers from the Sub-municipal Government of Mooca shed public light on the Night Market taking place at the Pari Depot. In late 2008, different law enforcement offices turned their attention to the area, each seeking to enforce a particular body of rules: Federal and State revenue offices investigated the payment of import and sales taxes; Federal Police inspected the area for smuggled and counterfeit goods, together with the State Police, that also investigated the specific agreements with inspectors from the local administration to maintain trade in the area and private associations trading stall spaces.

In November, Amorim asked a Town Hall representative with whom he maintained a close friendship to read a letter in which he attempted to legitimate the activities and defend the control of the space by his company GSA (Amorim was “a good friend”, the representative stated at the start of the speech). Aspects like the registration of traders, the prohibition of selling illegal goods, the production of formal jobs, the safety for visitors and, not least, the promotion of entrepreneurship are all included in the letter. It also makes clear how playing with material aspects and the compliance with legal regulations regarding the use of space, the qualities of goods and traders was pivotal to that intent:

[...] We did the re-registration of all registered traders, which besides handing over several documents that are demanded by management, they sign a contract where the rights and obligations of those who use the space. The tenth clause of the document exclusively refers to the prohibition of illegal goods within the Popular Night Shopping Center [...]. We have 131 formal employees that receive all the benefits required by the class union, including health plans and life insurance [...]. We offer insurance for personal accidents to all registered users, an infirmary, an ambulance for serious accidents, a security firm with preventive action to prevent theft and robbery, as

well as to protect employees and visitors from risks that might cause losses, personal or material damages. We signed a partnership agreement with Sebrae [Brazilian Micro and Small Business Support Service], which has established an annual schedule of orientation and training of traders at our complex, offering dynamic practical solutions to increase sales, attract customers e, specially, increase their managerial capacity. It is important to stress that we act with full responsibility. The managers are rightful persons, we count with the support of the public opinion, which is the most effective form of presence of the social body, the press and the politicians who visited our business and had the opportunity to prove the importance of this large social project that generates jobs and income, and that has brought many benefits to the region [...] ²¹.

A Municipal Popular Market cannot sell fake goods

Despite the scattered and episodic action of multiple state agencies, the Night Market and its surrounding streets in Bras remained the same until November, 2010. On the 22th, the Federal Government signed a Term of Provisional Custody, effective starting on the next day, transferring to the Municipal Government of Sao Paulo the right to manage the space. The accumulation of accusations of irregularities in the three Federal levels and investigations conducted at the State and Federal levels, notably on the profitable use of a Federal plot of land by private agents and the already mentioned corruption scandal involving the Ministry of Transportation, were reasons underlying this decision. The goal was to improve the infrastructure of this market, to regularise and regulate its activities, register its traders and, in the future, implement a project to foster the economic and social development of the region. On the 23th of November, 2010, the Municipal Secretaries for the Coordination of Sub-municipal Governments and for Economic Development and Work released a joint statement, distributed at the Night Market, stating these goals, guaranteeing that the Market would continue to operate and asking for the cooperation of vendors and customers:

NOTICE TO THE POPULATION

THE SAO PAULO MAYOR'S OFFICE INFORMS:

Starting today, 23rd of November, Tuesday, visitors and buyers in the Night Market [North Side] and the Hortifruti [South Side] at the Pari Depot have now a big ally.

²¹ DOCSP, 19/12/2008, p. 93. Speech of Mr. Agnaldo Timoteo at the 415th Ordinary Session, 06/11/2008.

The Sao Paulo Mayor's Office, in collaboration with the Federal Government, and under the supervision of the Attorney's Office, will be managing the area to bring better facilities, safety and circulation conditions in this area.

With this initiative, the Mayor's Office is even closer to you. We want to understand your needs and bring solutions that would benefit a lot the situation of those who buy here. The active participation of the Mayor's Office and the support of authorities that are already working together will, slowly, bring closer the visitors of the Pari Depot. The population will always know about changes and projects developed to improve the conditions of circulation, facilities, hygiene, safety and all the available services.

The Mayor's Office also informs that the Night Market and the Hortifruti, at the Pari Depot, will operate normally. You can rest assured, because you will continue to make your purchases as you are used to do.

The Mayor's Office stresses its active involvement in these changes and guarantees that it will be acting together with the visitors of the Pari Depot. This is an important process of renewal of one of the main touristic and commercial sites of the city of Sao Paulo. Therefore, the collaboration of everyone is fundamental to obtain the intended success. We count on you!²²

After years of police repression and accusations of dubious trade of space, the Municipal control over the area signalled that their relationship with the area and the instruments through which they establish it would be different. This involved the enactment of a number of decrees and legal acts, distributing new agencies, creating new relationships with vendors and advancing views on the proper forms of trade, traders and goods in the area. The main act of local legislation conferred specific responsibilities on the same secretaries that issued the notice: whereas the Secretary for the Coordination of Sub-Municipal Governments were in charge of regulating the activities in the market, the Secretary of Economic Development and Work was given the responsibility to develop a project for the social and economic development of the area²³. A Managing Group, comprising officers of both secretaries was formed²⁴.

²² Comunicado SMSP/SEMDET/2010. DOCSP, 24/11/2010, p. 4.

²³ Decree 51.938/2010.

²⁴ PORTARIA INTERSECRETARIAL N° 03/SMSP/SEMDET/2010. DOCSP, 24/11/2010, p. 4.

Notwithstanding the multiplication of state actions, the Municipal control over the area did not represent significant changes in the infra-structure of the market, nor it replaced police-mediated repressive measures. But instead of using enforcement as means of preventing trade in the area, the local administration used these measures to steer the construction of a proper and legitimate popular market. The Municipal Civil Guard and the Secretary of Urban Security remained two important agencies through which vendors related to the State. In addition, the city used the Delegated Operation, an instrument devised by the State and Municipal governments to increase urban security employing State Police Officers out-of-duty to aid the Municipal Guard patrolling and inspecting goods in the area²⁵. They operated important devices of control. In fact, two parallel courses of actions were taken in the next year: first traders would be called to register, and then, in August, 2011, all 4500 vendors went through two rounds of inspection by a task-force targeting illegal goods and migrants.

Initially, all vendors at the Pari Depot at the moment of transfer could remain in the area. They were registered and information about traders and their goods was stored in a bar code put on all stalls. Each stall received an Alphanumeric code as well, identifying its location, sort of traded goods and designated trader. In order to obtain this code, they had to sign a declaration stating that their goods were not illegal, smuggled or counterfeit²⁶. This was a remarkable yet simple control device that could immediately identify the irregular use of space with a fast scan. Even without material changes in the Market, it also represented a classification of stalls.

On the 5th of August, 2011, a joint-force comprising the Federal and State Polices, Tax Revenue Offices of all Federative levels, the Municipal Guard, and the Municipal Secretaries for the Coordination of Sub-Municipal Governments and Urban Security initiated a special operation against counterfeit and smuggling. Once more, the operation of legal devices advanced a particular vision of a proper and legitimate market. The Cabinet of Integrated Security Administration, which coordinated the action, issued a public notice, to inform visitors and traders about the operation:

CABINET OF INTEGRATED SECURITY ADMINISTRATION

²⁵ Prefeitura inicia a regularização dos comerciantes da Feirinha da Madrugada. DOCSP, 25/05/2011, p. I-II.

²⁶ PORTARIA INTERSECRETARIAL Nº 02/SMSP/SEMDET/2011.

OF THE CITY OF SAO PAULO

TASK FORCE: FIGHT AGAINST COUNTERFEIT AND SMUGGLING

NOTICE

Mr. Manager and vendors of the “Pari Depot Market - Night Market”

With the aim of guiding and informing about the Integrated Operation of the Cabinet of Integrated Administration started on this date at the “Pari Depot Market - Night Market” to inspection and repression of the trade in counterfeit, smuggled goods and other irregularities, we inform that:

Considering the findings in previous inspections and checks in the area, by Operational Agents, of illegal trade of counterfeit, smuggled and goods from dubious origin, it has been decided that a joint-action will take place involving the agencies that comprise the Cabinet of Integrated Security, such as the Civil Police, Federal Police, Military Police, Municipal Civil Guard, Federal, State and Municipal Revenues Offices, Secretary of Urban Security, Secretary for Sub-municipal Governments, among others.

The Metropolitan Civil Guard and the Military Police will be present in the area, using necessary means to control the entrance and exit of products and persons, according to legislation, also supporting the action of Sub-municipal inspectors, as well as that of the other Federal, State and Municipal bodies, according to the case and their own responsibilities, checking documents and apprehensions according to the existing norms.

During the operation, the Security Cabinet may authorize the access of buses in the parking area and of regular vendors outside the intervention area, as long as the conditions of safety and control of the work of agents and access of traders supervising inspections, checks and apprehensions in their own stalls are preserved.

The eventual apprehensions will be conducted stall by stall, packed and sealed with identification, quantities and specification of products, presented to DEIC - Department of Investigations of Organised Crime and stored in a Police, Municipal or Federal Revenues Office storage, according to the case. The operation has been informed to the State Attorney's Office - GAECO Special Repression Group to Organised Crime, which received and will receive information useful for their works of investigation, orientation and criminal framing.

Foreigners will have their documents analysed by Operation's Agents and in case of irregularities they might be taken to the Department of Federal Police.

The organisation of work will be conducted by the Cabinet of Security and the information to vendors will be done directly and through the Executive Manager of the Managing Group of Pari Depot.

The resume of normal trade activities at the Pari Depot Market, partially suspended due to the operation, might take place in instalments, with the liberation to the Market Executive Coordination Group of those stalls were the agents' work had been concluded, with a term of partial conclusion issued by the Security Cabinet, with indications of regularities, irregularities and consequences.

Sao Paulo, 5th of August, 2011.

Edson Ortega Marques

Executive Secretary of the Cabinet of Integrated Administration - GGI-M

Municipal Secretary of Urban Security²⁷

The main target were the illegal goods, but migrants were also affected by the action. The Market was not closed, but the inspections conducted by several state agencies interrupted transactions during the 40-day long inspection. The results of these inspections were shared in the Sao Paulo Municipal Bulletin and provide both a vision of what was regarded as improper, and a portrait of the Market²⁸. The operation was also an opportunity to gather information on traders, which was stored by the Municipal administration. Approximately 6 million illegal, counterfeit, smuggled or robbed goods were found in one-third of the 4,505 inspected stalls and apprehended. Many were stored and remain in a warehouse at Pari Depot until now. Criminal action was taken against these vendors. 494 stalls did not present a registration code, and the Secretary for the Coordination of Sub-Municipal Governments was notified. In the process of inspection, 3,974 vendors were identified, among which 1,716 (43.18%) were foreigners. Among the latter, 58 did not present proper immigration documents and were notified either to regularise their situation or to leave the country. 2 vendors, 5 officers and 3 members of the Municipal Guard were charged with corruption or robbery and arrested, showing once more the politics behind the operation of regulatory devices. At the end of the operation, an “adequacy stamp”, which became known for its colour as “green stamp”, was issued to all vendors who passed the inspections, creating yet another legitimat-

²⁷ DOCSP, 09/08/2011, p. 4.

²⁸ DOCSP, 16/09/2011, p. 3-4.

ing device with material attributes. Traders were oriented to keep the registration code and the stamp visible. As previous devices, this had a precarious nature and the stamp could be removed upon the notice of any action rendered irregular. Even before the end of the operation stalls that had received the stamp were closed, as noticed in the press²⁹.

Its effects were prolonged, as apprehension of goods and exclusion of traders were challenged. In practice, during the following months, and despite regulatory devices that bestowed this authority upon the Secretary for the Coordination of Sub-municipal Governments, the Secretary of Urban Security became the main authority in charge for deciding the faith of traders and distributing the right to operate in the area, as shown by several acts issued by the latter³⁰.

The action also inaugurated a new requirement for vendors: legal formalization. In order to prove the collection of taxes or request the restitution of apprehended goods, these vendors were required to constitute legal persons. A proper, legitimate trader would be one that also paid taxes. In 2006, to promote entrepreneurship and regulate the informal sectors, the Federal Government enacted new legislation creating a new legal form, the micro-enterprise, with a simplified tax system (Complementary Law 123/2006). Two years later, the legislation was expanded with the creation of the Individual Micro-Entrepreneur (IME - Complementary Law 128/2006). The new instrument of formalisation targeted informal entrepreneurs, allowing them to register and gain legal personality against the payment of fixed monthly sum (currently 51,65 Brazilian Reais) including taxes and social security contribution, as long as their net income does not surpass 60 thousand Brazilian Reais (Art. 18-A of Complementary Law 123/2006).

Using the potential created by this special legislation for the first time, Municipal Administration attempted to guide and support vendors at the Night Market to register as IMEs and opt for the simplified tax system. This would allow them to issue invoices for purchases.

²⁹ Prefeitura de SP volta a fechar lojas na Feira da Madrugada. G1, 08/09/2011. <http://g1.globo.com/sao-paulo/noticia/2011/09/prefeitura-de-sp-volta-fechar-lojas-na-feira-da-madrugada.html>

³⁰ Dozens of notices of decisions by the Secretary of Urban Security on the restitution of apprehended goods and the issue of the “adequacy stamp” were published by the Sao Paulo Municipal Bulletin in late 2011. One example can be found on the issue of 1st of October, 2011, p. 4.

The scattered action and multiple devices enacted by the Public Administration through control instruments advanced a complex view of morally appropriate informal trade in relation to the nature of goods, traders and use of space. However, formalisation initiatives, registration through bar codes and repressive operations against illegal migrants and goods were not totally successful. A battle for the *de facto* control of the space also took place, with successive attempts to exclude irregular traders from the area, and repress the trade in stalls involving local associations and the Municipal officers acting in the area. The administration itself recognised that the market had become the site for a trade in stalls by issuing an ordinance prohibiting any charges for the occupation of the area³¹. The matter was once more into the spotlight of the press and the Town Hall representatives. In May, 2011, a Special Commission of Studies and Assessment of the Formalisation of the Area was formed, having Amadeu as its chairman.

The new Managing Group could distribute stalls, which created new forms of extortion and corruption, amid the registration of vendors and the inspection of their goods. The main accusations fell on the Executive Managers of the Night Market, first Altino Jose Fernandes³² and then Joao Roberto Fonseca³³, both retired colonels of the State Police, which acted with local representatives to trade stalls and permissions for construction of new stalls or works on the existing ones. In fact, repressing corruption and securing a regular and Market distribution of stalls were an unstated goal of the joint operation of security forces in late 2011. Thousands of vendors were excluded from the Pari Depot and the number of those occupying the streets increased. Empty stalls were, then, slowly occupied, sometimes as a result of private agreements with these associations. The conversion of the provisional guard into a cession *in rem* for the use of the Municipal Government of Sao Paulo did not represent significant changes in the area.

³¹ PORTARIA INTERSECRETARIAL No 04/SMSP/SEMDET/2010.

³² See the speeches by Mr. Adilson Amadeu and Mr. Aurelio Miguel published on the Sao Paulo Municipal Bulletin, issue of 28th of June, 2011, p. 65-6.

³³ See the speech by Mr. Adilson Amadeu on the Sao Paulo Municipal Bulletin, issue of 13th of January, 2012, p. 92.

A piece published at the *Estado de Sao Paulo* newspaper summarizes the situation at the Night Market in November, 2012³⁴: two years into the new, Municipal administration of the area, new stalls were being built without prior authorization, and traded with interested vendors for amounts up to 500 thousand Brazilian Reais (approximately USD 250 thousand, at the exchange rates of the time). Existing stalls with LUPs were also traded, despite the fact that the permit was not transferable. Bribery paid to allow new stalls and trade in the area were paid to the management of the Market and a local association. More importantly, the piece demonstrated how agents subverted the registration code, a material device that aimed at defining the proper vendors, their activities and space. The journalists assert that in some cases, two or even three stalls selling different sorts of goods had the same identification code. Despite the ingenuity of the system to identify stalls, vendors and goods, its operation revealed cracks in the agencement, due to subversion and resistance.

These were not the only form of resistance and subversion of regulatory and material devices. In addition to negotiations with the Managing Group, the political struggle of vendors for their right to be in the Night Market gained momentum with different patterns of agency. Individual vendors turned to legal action to repeal decisions of the local administration, regaining the right to trade in the area or claiming the return of apprehended goods, multiple associations claiming to represent the interests of local traders presented proposals to join the management of the Night Market and a number of demonstrations were organised in the nearby avenues over the period against apprehensions and expulsions from the area³⁵.

New devices generated not only new relations among traders and with the state, but also skills. The ostensive control of the space and public attention to corruption and extortion practices required new forms of negotiation. For many associations seeking control of the area, proposing a joint-management seemed a solution. The lack of a legal framework for this, however, was always invoked by the Administration to deny these claims³⁶. The multi-

³⁴ “Propina amplia feira ‘sem lei’ da madrugada, em SP”. *Estado de Sao Paulo*, 29/11/2012. <http://www.estadao.com.br/noticias/geral,propina-amplia-feira-sem-lei-da-madrugada-em-sp,966846>

³⁵ Camelôs protestam contra restrições na Feirinha do Bras. *Estado de Sao Paulo*, 28/11/2011. “<http://sao-paulo.estadao.com.br/noticias/geral,camelos-protestam-contr-restricoes-na-feirinha-do-bras-imp-,672070>” and Camelôs protestam pelo quinto dia em São Paulo. *Folha de Sao Paulo*, 29/11/2011. “<http://www1.folha.uol.com.br/cotidiano/2011/10/998751-camelos-protestam-pelo-quinto-dia-em-sao-paulo.shtml>”.

³⁶ See, for example, Ofício GSJDC nº 315/2012-SECRETARIA DA JUSTIÇA E DA DEFESA DA CIDADANIA. DOCSP, 28/06/2012, p. 6.

plicity of requests to that effect also evidences the proliferation of associations claiming interests over the area. For those excluded from the area by the operation of devices, learning how to claim rights in the Judiciary also became an important skill. Vendors proposed hundreds of law suits and, in some cases, were successful obtaining apprehended goods and the right to sell in the area, showing previous registration and the regularity of goods.

The New Night Market: safety first

*[...] Here in Sao Paulo, events continue to take place, clubs continue without proper licences, without fire exits. I have just talked to Secretary Eliseu Gabriel and we have a bomb that might explode at any moment. Where is this bomb? At the Night Market, where there are 25 thousand people, where there are at least 30 cafeterias, restaurants with propane cylinders, where people walk through a 1 m wide hallway and where inspection has not arrived. When are inspectors looking to that? [...]*³⁷

Soon after the election of the new, Workers Party mayor of Sao Paulo, Brazil was outraged by the death of 242 people due to a fire at the Kiss Nightclub, in the Southern city of Santa Maria, in January, 2013. The episode shed light on the lack of control, by fire departments across the country, of public facilities. The club did have a fire department permit that listed two emergency exits that did not exist, despite having being inspected the year before. The outcry that ensued prompted a nation-wide debate on the safety of buildings and promoted new fire prevention inspections.

The first session held by the recently elected Town Hall in February, 2013, devoted significant attention in early 2013 to fire safety. Given the large number of daily visitors, the area was included among those that represented a higher risk, as the speech of Amadeu above indicates. The Fire Department inspected the area and noticed that it did not comply with regulations and was unsafe for its users, for the abundance of flammable material and the absence of properly indicated fire exits. As a result, on 30th of April, 2013, the Secretary for the Coordination of Sub-Municipal Governments determined the closure of the Market for works to make the facilities complaint with fire prevention regulations³⁸. The vendors were asked to

³⁷ DOCSP, 06/03/2013, p. 71. Speech of Mr. Adilson Amadeu at the 1st Ordinary Session, 05/02/2013.

³⁸ PORTARIA N.º 014/2013/SDTE. DOCSP, 30/04/2013, p. 9.

empty the area during the works. Many did not find it necessary and filled a class action seeking to work on emergency works while keeping the Market open³⁹. The long Judicial debate and the multiple injunctions secured by the vendors protracted the works, in a succession of closures and openings of the area in the next months, but the actions taken by the vendors were finally considered insufficient and the Municipal government promoted a 4-million Reais (USD 2 million) and eight month long reconstruction of the Night Market.

The New Night Market, as it became known by the local administration, was a new infra-structural configuration of the space, with a large covered area divided by coloured sectors of long, 1.5 m wide numbered hallways with signs. The new stalls were all 3 square meters and built using bricked walls. Electrical wiring was also replaced and all flammable material in walls and floors replaced. Fire exits, fire-prevention doors and extinguishers were installed and escape routes signalled. An old railroad building was converted in an internal Firefighters unit⁴⁰. A new inspection in January, 2014, asserted the compliance of the area with regulations and allowed the Market to operate. The safety of facilities became in this context a central tenet of an adequate market. In fact, the Night Market at the Pari Depot reopened in December, just in time for the large influx of Christmas buyers.

In connection to the renewal of the area, the Mayor's office decided to create new forms of management and regulate the issue of LUPs and make them the main device of regulation of activities in the area. Decrees 54.318/2013 and 54.646/2013 maintained the Secretaries for the Coordination of the Sub-municipal Governments and Development, Work and Entrepreneurship in charge for managing the area and envisaging a plan for its development, in accordance with conditions set by the cession *in rem* by the Federal Government to Sao Paulo's Municipal Government. Conditions for issuing LUPs were listed, confirming some old criteria and creating some new. The previous registrations with barcodes and adequacy stamps, proved by public ordinances enacted since 2011 after the Delegated Operation, were defined as the basis for claims of LUPs, but final Judicial decisions were also recognised as an apt

³⁹ Justica determina que Feira da Madrugada permaneca aberta. Estado de Sao Paulo, 08/05/2013. <http://sao-paulo.estadao.com.br/noticias/geral,justica-determina-que-feira-da-madrugada-permaneca-aberta,1029800>

⁴⁰ See "Manutenção do espaço da Feira da Madrugada". http://www.prefeitura.sp.gov.br/cidade/secretarias/infraestrutura/organizacao/nucleo_de_manutencao/index.php?p=157959

condition for claiming a LUP in the area. These devices constituted the original right to lawfully claim a space in the area and, thus, the legitimate vendors.

Yet the constitution of the proper vendor for the Night Market also required the timely conversion of previous documents into a LUP and other conditions were required: vendors could only hold one use permit and could not transfer it (art. 4), claims had to be filed up to 30 days after the publication of the Decree 54.318/2013 in the Sub-municipal Government of Mooca with identification documents, picture, the legal constitution of their firm, if applicable, proof of registration in the Register of Municipal Taxpayers, and evidence that the claimant have no contagious disease through a medical certificate, for both the main vendor and its assistants (art. 8). A public price was fixed for those willing to trade in the area, to fund the works and maintenance of the space. This price also attempted to signal that the Municipal government, and not internal associations, was responsible to keep the area and was due some payment for this. The new regulations went far enough as to define precise rules for trade.

Besides prohibiting the trade of counterfeit, smuggled and illegal goods, vendors could not trade goods different than those to which the LUP was granted, use sound equipment to promote sales or obstruct hallways with goods, mannequins and other objects (art. 13). Additional ordinances defined in detail the time of activities, who could trade in the area, forbidding unregistered vendors and peddlers and the use of space for offices of any association or union⁴¹. They also required vendors to observe standards of personal hygiene, to maintain their stalls clean, to sell objects in good state, to properly pack these objects, to show a respectful behavioural toward the public and officers, to clearly and visibly indicate the price of goods, to provide, whenever asked by inspectors, fiscal documents regarding the traded goods⁴².

Although motivated by fire safety concerns, the closure of the Market for works was also an opportunity to exclude unregistered vendors and once more attempt to define the desired conditions for trade, centralising all control of the area in the hands of the Municipal Government. Associations claiming to represent vendors, known for trading stalls, were formally rejected as legitimate partners in the process. This device constituted the proper vendor:

⁴¹ PORTARIA N° 55/SMSP/2013. DOCSP, 26/11/2013, p. 5.

⁴² PORTARIA N° 21/SMSP/2014. DOCSP,16/07/2014, p. 5.

healthy, formal, selling only legal goods, holding only one stall - to which a permit was issued, paid and not transferred, and a taxpayer, especially using the Individual Micro-entrepreneur legal category, which simplifies tax collection. In so doing, it displaced the Secretary of Urban Security as the main nod of vendors-state relationships in favour of the Sub-municipal government of Mooca, in charge for issuing LUPs. In order to secure some impersonality to the distribution of the stalls, an officer from the Secretary for the Coordination of Sub-municipal Governments was designated every time new LUPs were granted.

During the period of 2013-5, the main site of decisions pertaining the Market was the Sub-municipal government, that decided on thousands of applications for LUPs, denying some of them for not complying with the set conditions and granting new LUPs for vacant stalls. The original idea was to bring street vendors into the area, but conflicts with the vendors in the premises and their associations reduced the interest of most vendors operating in the streets of central Sao Paulo, leaving many stalls in the Night Market vacant. At the same time, the new regulations did not end the irregular occupation of stalls. The Market was closed again in May, 2014, in an attempt to exclude vendors without LUPs. After the inspection, vendors were required to display their LUPs in order to gain entrance to the area⁴³. In August of the same year, the Municipal government asked vendors without LUPs to voluntarily vacate stalls and promoted successive waves of inspection⁴⁴.

To some extent, these regulations created the Night Market, defined which goods could be traded, defined its vendors and influenced the pace of activities, as previously mentioned. On the other side, the omnipresence of mannequins in hallways, the occasional music played in loudspeakers, the constant presence of vendors without LUPs in stalls that were granted to different persons and the trade in stalls are evidences of subversion. There was also resistance by the vendors to the new devices in operation. A new wave of legal suits by excluded vendors aimed at restoring their right to trade in the area, proving that they were registered, had only one stall and did file the application in due time. Regulatory devices and compliance to material aspects were at the centre of the struggle for the right to sell. In addition to legal action and amid the wave of protests that shook the big cities of Brazil in mid-2013, vendors

⁴³ COMUNICADO N° 02/2014 - SMSP. DOCSP, 08/05/2014, p. 6.

⁴⁴ CHAMAMENTO N° 004/SP-MO/2014 – FEIRA DA MADRUGADA. DOCSP, 23/08/2014, p. 7.

once more demonstrated first against the closure of the Market for works and, later, against their exclusion and the continuing abuses practiced by Sub-municipal officers and members of associations, who did not cease to charge for the actual use of space and trade stalls.

In 2015, the Municipal Government finally started to work on the competition to concede the area for a private company, who would then be responsible for transforming it into a popular shopping centre with set infra-structural features. After spending four million Reais and considerable energy in re-organizing the structure and functioning of the market, it decided that a Private operator would have better conditions to implement a proper, legitimate market. In part, the move was related to the acknowledgement, by the government, that it was impossible to secure absolute control of the uses of space and its activities, making it a proper popular market without further investments. The inadequacies of the material infra-structure were also mentioned by the Secretary of Development, Work and Entrepreneurship as reasons for this move. In a personal interview, he stressed that the popular commerce hubs of Sao Paulo "have no conditions of cleanness, logistics, transportation... even the toilets have problems".

A new legal battle ensued, with vendors' associations attempting to block the concession. After Judicial debates and guidelines defined by the Municipal Audit Office (Tribunal de Contas do Municipio), the public competition was held and a consortium gained the concession to manage the area for 30 years, build a new shopping center, with dedicated parking for buses, office towers and a hotel, transforming the Pari Depot in one of five spots of the new Sao Paulo Shopping Circuit.

Concluding remarks

In this paper I analyzed material devices that attempted to organize this marketplace. I demonstrated how these devices bestow moral qualities to the marketplace, its transactions, goods and agents. I also pointed out how agents disputed forms of materially bestowing moral qualities to this market.

One trope that has been employed to describe the history of street commerce in São Paulo is one of a succession of technologies of control alternating between entrepreneurship and formalization discourses, on the one side, and security devices, on the other (Hirata 2014).

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Nonetheless, the productive nature of these technologies in terms of a fractured, conflictual distributed agency, or the production of specific relations which render a market *proper* remains overlooked. My approach here in retracing this history was to indicate how four moments of moral crises prompted intervention and negotiation, producing a succession of regulatory devices and material configurations that constituted the Night Market:

- 1) Attempts to prevent the occupation of streets and the sale of illegal goods in the period 2005-8 promoted the use of the Pari Depot and other commercial galleries and parking lots as spaces of popular commerce.
- 2) In 2010, after hundreds of calls by Town Hall's representatives to close or regularize the area, the Municipality took control of the area through a Term of Provisional Custody with the Federal Government. Custody was given upon the commitment of turning it into a Popular Shopping Center. In 2011, the Market was closed for the first time, to allow a task-force comprising multiple state agencies to inspect the area, its traders and their goods. During August and September the vendors were first registered and millions of goods, thought to be either smuggled or counterfeit were apprehended. Many lost their rights to be in the Pari Depot, increasing the number of street vendors around the area. At the same time, traders' associations burgeoned and vendors used the administrative and Judicial arenas to claim rights to regain apprehended goods and the right to sell in the area. Different associations claiming to represent vendors sought to obtain rights to jointly manage the area, but had their claims rejected. New accusations of lack of government control, trade in stalls and corruption practices by the Sub-municipal and local police officers led the Town Hall to form a Special Hearing Commission on the Formalization Project started by the Municipality.
- 3) The national outcry caused by a Nightclub fire in Southern Brazil led Firefighters and the State of Sao Paulo Attorney's Office to recommend another closure of the Market, in 2013, due to the lack of compliance with fire safety regulations. After a judicial battle in which multiple associations of vendors attempted to maintain the activities, regain rights to expelled vendors and even discuss forms of management of the market, a major seven-month long and two-million US dollars worth refurbishment attempted to create a safety-compliant, cleaner and more organized market. Sectors were colored, corridors numbered

and a metal roof replaced the previous plastic covers. New fire prevention equipment and signs were installed. After reopening the area for trade, the Submunicipal Government of Mooca set conditions for the concession of land-use permits, one of which was evidence of previous registration. Successful waves of concession and denial of LUPs resulted in an excess of something between 1.2 and 2 thousand free stalls, disputed by vendors expelled from the area and street vendors. Meanwhile, vendors with LUPs denounced that spaces were still negotiated by local associations and some could not use their stalls.

- 4) The Market was closed once more in 2014, in an attempt to exclude irregular vendors, but soon after the Mayor decided to proceed with a long protracted process of concession for the construction of a shopping center that retains a popular nature and all registered vendors, a condition determined by the agreement with the Federal Government that gave the Local government rights to manage the area.

This is not just a history of devices, but a history through the devices, shedding light to what devices do in terms of agency and the creation of specific relationships which, in turn, constitute a proper market. As usual with market devices (Callon/Muniesa 2003), it would be wrong to say devices built the Market, but they constitute agencements: human agents act and relate in relation and through such devices, which also distribute agencies. In fact, regulatory devices define who is capable to act and trade, constituting new subjects as authorised vendors in face of the public administration.

This case seems particularly useful to test some hypotheses about the role of unstable, precarious and often subverted devices in the constitution of a "proper", i.e., morally acceptable informal marketplace, on the one side, and the ways in which material dimensions of markets are re-appropriated by agents for new moral purposes on the other:

- Material artifacts and agencements have discernible moral qualities, not merely as collective symbols (representations) with an inclusive/exclusive nature, as Durkheim (2008[1912]) explored, or as objects of orientation, as Goffman (1959) did. Physical and material artefacts and regulatory devices with material dimensions *constitute realities* of what is morally appropriate: they distribute agencies defining who can act and how. In this case, they constitute agents with the right to transact in the space.

- The elements analyzed here are what Muniesa, Millo and Callon, name market devices, in the sense "they are material and discursive assemblages that intervene in the construction of markets" (2007: 2) and reconfigure what a proper popular mass market is. However, the agencements of subjects and devices in operation intends not only to render transactions economic, calculable, but morally and legally proper. The problem at stake here is not economization in the strictest sense, nor fall under any of the three key agents in the economization processes, as identified by Çalışkan and Callon (2009, 2010). Although relations are rendered economic through these devices, especially through their capacity to guide cognition and action in exchange, their main effect is to establish relations and rules among traders, with managers and law enforcers. More than allowing calculation of the nature or value of goods, the resulting distributed agency and device-mediated relations include and exclude agents and forms of transactions. In this sense, these devices are moral and not only calculative devices, defining not only the quality and quantity of what is traded, but the moral worth of transactions.
- The particular assemblage that constitutes the Night Market provides insightful contributions to the understanding of the constitution of markets, showing that stability is never a given and that crises and conflicts are sources of newness and forms of coordination. New skills and relations emerge in connection to such crises. Economic sociology has neglected the role of such elements, focusing on elements that stabilise the operation of the market, such as rules of exchange (Fligstein 2002: 34) and material devices that distribute calculative agencies, making valuation possible (Callon and Muniesa 2003). Deviance, subversion or the selective operation of devices, as well as frictions are underestimated. In urban studies, the role of friction and experimentation has been more properly explored (see, for example Massey 2007). However, STS-inspired of urban studies have not fulfilled the promise of investigating the politics of urban assemblages and power asymmetries in the agencements, as proposed by Farías (2011). The resistances, subversions and crises in the operation of these assemblages reveal the politics of urban assemblages.
- In this sense, it seems particularly useful to pick the suggestion of recovering the notion of *agencement* as developed by Deleuze and Guattari (Muniesa, Millo and Callon 2007: 2). In this case, we not only see subjectivity enacted in the device, particularly the constitution of

the proper vendor through the LPU and ordinances stipulating conditions of agency, but also devices operations that are always at disequilibrium, subjected to variations in direction and derivations.

- Two aspects of devices are highlighted by the constitution of the Night Market. Devices distribute agencies and produce relations. It is by analysing these two features that one can understand how hierarchies of power are at work in the formation of this assemblage. These devices define who can transact and produce new relations among traders and with the state. Both the distribution of agencies and production of relations are asymmetrical and some agents, through previous relations or associative power, can steer regulations and material configurations to their own advantage. The assemblage that constitutes the Night Market is rendered flat for purely analytical purposes, but it is in fact a fractured and uneven landscape, in which only some are legitimate agents, and some have more agency. In the Night Market, some associations were more successful in steering the construction of this place and defending claims of legitimate right to transact. The local administration, in turn, has remained a powerful agent of exclusions and, to some extent, the aim of its policies has been to replace these associations and their forms of construction of the marketplace. Fulfilling the promise of a politics of urban assemblages (Fariás 2011) requires an analysis of this dynamic.
- For those struggling for their right to transact and be considered rightful traders, especially those who were excluded by state operations, seeking new collective resources through associations, learning to navigate the scattered landscape of bureaucratic agencies acting on the area, and establishing a local economy of information and mutual care became essential. The pragmatics of material and regulatory devices generate a “skilled resourcefulness” (Hall, King and Finlay 2016: 1). Markets are not places of purely economizing behaviors, but also of other forms of relations in which the right to transact and the worth of agents, goods and transactions are negotiated.
- In this sense, the Night Market allow us to start exploring the spatiality of personhood (Roy n.d.). There is a spatial quality to the formation of a subject, who can claim to have the right to act in a place. Making a market is an active process of construction of new places in the urbanscape, but equally of the constitution of a subject, the proper trader.

- Completing the Pragmatic turn requires us to show the everyday play with devices that create friction and innovation in the agencement. In this sense, the next step in this research will be to reconnect these morally infused material devices with the living experience of agents. Further fieldwork is necessary to gain insight into how these devices induce certain patterns of practices and transactions within the market, creating an internal moral order, how agents dispute the construction, interpretation and implementation of material aspects of the Market and their moral qualities, and how they are mobilized by agents in the name of particular motivations and the constitution of new identities.

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