

Dr Kamna Patel
Lecturer, Development Planning Unit
University College London

Post-colonial urban theory: A concept note on the utility of ‘informality’, ‘formality’ and the ‘state’ in tenure debates

I am a lecturer in development studies with a research focus on urban land and housing tenure among low income residents of cities. In my doctoral and post-doctoral research in South Africa and India respectively, I examine theories of citizenship following state-led intervention to formalise tenure through, for example, land titling, upgrading informal settlements and mass relocation to new housing developments. Such interventions tend to be predicated on a series of assumptions: the state is the best guarantor of tenure rights; a condition of ‘informality’ exists and that it is negative to society and the power of the state; and ‘formality’ positively changes the lives of people once labelled ‘informal’. Each assumption conveys a powerful western-centric conceptualisation of ‘informality’, ‘formality’ and ‘the state’ that has permeated mainstream development discourse and practice in the land and housing sector, at least (e.g. Deininger, Selod and Burns, 2012), with theoretical implications for understanding ideas of citizenship.

Through ethnographic study and a subject-centric reading of the evolution of the contemporary state and its relationship to the lives of low income urban residents in Durban, South Africa and in Ahmedabad, India (NB: this is not a comparison), I wish to question the three assumptions and provoke a re-thinking of the utility of dominant conceptualisations of the state, informality and formality in development discourse and practice. For example:

Rajubhai lives in Ahmedabad in a tenement block built by the municipality. He used to live by the river that runs through the centre of the city in a pucca (solidly built) house. His family had inhabited the land for over 40 years. In 1985 municipal boundaries changed and the land, previously under the administration of the gram panchayat (a community-level organisation), was brought under municipal control. Almost immediately after, the municipality served eviction notices to Rajubhai and 20 or so other families living in the area. With the assistance of a local NGO, Rajubhai and other residents obtained a ‘stay order’ from the Gujarat High Court that prevented the eviction. In 2005, under a Gujarat High Court ruling, they were evicted by the municipality to make way for a Bus Rapid Transit System (BRTS) for the city, the eviction was overseen by local police. They were moved to a temporary site for five years before being re-housed in a tenement block on the outskirts of Ahmedabad as part of the state’s ‘slum free cities’ agenda.

(From an interview conducted on 18/04/14 in Ahmedabad, India)

This excerpt from a single narrative illustrates complications with applying mainstream conceptualisations of ‘informality’ and ‘formality’, and the role of the state (as protector and aggressor of land rights). In this narrative many different arms of the state (the courts, police and municipality) contest and collaborate with each other to assert power over urban residents. These residents were labelled by state actors as ‘informal’, and thus eventually positioned within a process of ‘formalisation’.

Such a reading of informality, formality and the state raises interesting questions for theories of citizenship. For example, the classic formulation of ‘full citizenship’, where an individual’s moral right to social welfare evolves to political rights and is expressed vis-à-vis the responsibilities of the nation-state (Marshall, 1950), is complicated in Rajubhai’s narrative by the fact that his first tenure claim was established without any consciousness of the state at all including its supposed responsibilities. Rather, tenure was negotiated with neighbours who would have been members of the *gram panchayat* and then continually renegotiated with the arrival of newcomers to the area. In the absence of a consciousness of the state, ideas of tenure informality and formality seem redundant.

In contemporary conceptualisations of citizenship – such as ‘urban citizenship’ - we can see the influence of post-colonial thinking. Urban citizenship is a rich concept that offers us a way to navigate the a priori assumptions of the relationship between urban residents and the state. It moves us beyond citizenship as territorially bound claims made of the state. The theory emerges in a context of neo-liberal globalisation that re-centres the city as a site for citizenship. At this site, the social and political rights of residents (or citizens) are understood as moral and legal entitlements expressed in relation to society and members of society can uphold, deny or challenge these rights (Holston, 2007; Holston & Appadurai, 1999; and Desai and Sanyal, 2012). In terms of understanding tenure, urban citizenship frees us from the dichotomous language of informal/formal tenure. However, within this conceptualisation what is ‘society’ is ill defined and little discussed in existing literature, thus often rendering ‘society’ a vacuum into which individuals’ rights are projected.

Yet, for Rajubhai, his tenure claim was not only expressed in terms of the responsibility and obligation of society at large to uphold his rights, but his right to land was also expressed in relation to the denial of the claims of others. That is, all tenure rights are relational. Existing theories of citizenship are incomplete in helping us to understand the nuanced, non-linear and non-hierarchical relationships that bind those who claim tenure rights and the institutions and individuals upon which such claims are impressed.

While I am arguing here that there is a gap in urban citizenship theory, I am profoundly struck by the reticence in development discourse and practice in the land and housing sector to query even Marshall’s conceptualisation of citizenship which would hold that it is the responsibility of the state to formalise informal tenure arrangements, and through the redress of informality extend citizenship, where those on the margin are enfolded into spheres of state regulated formality (e.g. Deininger, Selod and Burns, 2012). Development discourse and practice in the field of low income tenure rights is almost entirely dominated by state-guaranteed legal titles, leases and contracts as best practice.

Inspired by the arguments of Simone (2004), if the development discourse was framed by the everyday practices of poor urban dwellers, then what theories of urban citizenship and tenure rights might we engender when we shift the paradigm of state normativity and the dictat of state on what and who is labelled ‘informal’ and ‘formal’ and the rights such labels bestow? To provoke debate on the topic, I present below three further questions for discussion:

- Why is the normativity of the state universal? And why are actions outside of behaviour publically approved by the state positioned as a transgression?

- Why does the dichotomous discourse of ‘informality’ and ‘formality’ persist?
- To what extent does the rights based discourse (present in struggles for land tenure rights among slum dwellers, for example) universalise western ideals of ‘justice’ through a judicial system? And with what implications?

References:

Deininger, K., H. Selod and A. Burns (2012) ‘The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector’, Washington: The World Bank.

Desai, R. and R. Sanyal (Eds) (2012) *Urbanising Citizenship*. New Delhi: Sage Publications.

Holston, J. (2007) ‘Citizenship Made Strange’. In *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil*. New Jersey: Princeton University Press, chapter 1.

Holston, J. and A. Appadurai (1999) ‘Introduction: Cities and Citizenship’. In J. Holston (Ed.), *Cities and Citizenship*. Durham, NC: Duke University Press, pp. 1–20

Marshall, T.H. (1950) ‘Citizenship and Social Class’. In J. Manza and M. Sauder (Eds.) *Inequality and Society*. New York: W.W. Norton and Co. (2009) pp.148-154.

Simone, A. (2004) *For the City Yet to Come*. Durham/London: Duke University Press