

Analysing Mediation in our Case-Studies: LP's framing assumptions

A. Key Ideas:

Definition: Mediation is the practice of political brokering an engagement between the formal system and informal practices and institutions. This engagement may serve multiple ends – the state's, the communities – and often those of the mediator, but the key characteristic is a recognition of the necessity of managing contradictory tendencies in each rather than simply imposing one on the other.

Mediation involves

- The pursuit of potentially multiple interests simultaneously e.g.
 - o the state and/or market 'securing' local representatives as 'instruments for the administration of welfare'
 - o local leaders securing state attention and resources to provide for key needs
 - o mediators establishing themselves as indispensable brokers to state-society engagements
- Negotiation and deal-making: some compromise between state and popular wants - state logic and popular legitimacy often pull in different directions...
- Instability: the contradictory context puts all agreements under constant strain;
- Particularity: solutions are ad hoc and exceptional
- Networking: personal relationships of trust must replace formal rules and are underwritten by state institutions as these are not possible
- Creativity: the unstable context allows space for all kinds of practices, deals and types of leaders

What mediation is not:

- The state ignoring poor and marginalised areas altogether
- The state attempting to eradicate poor and marginalised groups e.g. slum eradication, genocide, livelihood repression.
- Popular evasion of the state
- Popular secession
- Popular mobilisation to overthrow the system

B. Context:

Mediation is a political practice located mostly in the context of state-society relations in cities of the democratic global south:

- growing urbanization (substantial [2007 = world first] and rapid)
- slums growing faster than urbanization in the global south, and especially MICs
- slums are the home of poor and marginalised groups
- most of these cities are formally democratic regimes
- growth of slums poses increased and new challenges for city planners and policy-makers and for poor people to secure needs and access rights.

This claim is important as it suggests reasons as to why the practice of mediation is on the rise, but it does not mean it is new or irrelevant to relations between the national state and rural society for example.

Note that mediation need not only apply to city level state-society relations involving the urban poor, as similar dynamics are arguable present in national-state-society relations; rural as well as urban settings; and practices involve elite as well as more marginal groups. Nevertheless, most of the time it would refer to the context of urban state-society relations involving poor and marginalised groups.

C. Problem:

Empirical observation that poor and marginalized groups do not always engage the state through democratic practices or institutions. Examples would include:

- corruption in accessing state services e.g. housing lists in SA
- collective clientelism in trading community votes for infrastructure projects. E.g. Gay on Via Brazil in Rio
- patronage politics in Bangladesh where material benefits and political support are traded within networks
- coercive local leaders who rise to power through threat and exercise of violence e.g. drug gangs in Mexican slums

D. Hypothesis:

Poor and marginalised groups often engage the state via some kind of intermediary group, organisation or network. Understanding the various forms this takes, their dynamics, and the conditions that underwrite it, are all important for those committed to some version of rights-based democratic citizenship.

E. Theory:

There are various relevant theorists and I am still working my way through them, but the following general points apply:

1. Poor and marginalised groups cannot live fully by the law and policies of the formal political system – or at least it is very hard for them to do so. (Chatterjee, Yiftachel). Examples:

- poverty means cannot afford to buy or rent property in the city, but must live somewhere so forms of illegal squatting are inevitable
- similar logic applies to services like water, electricity and the like where connections are made illegally due to prohibitive costs
- the necessity of securing an income means that poor people pursue livelihoods that may be overtly illegal, such as prostitution, or run against city policies such as street trading, liquor retail, transportation etc
- in addition to the fact that poverty may place people in tensions with law and policy, certain social identities are marginalized too, such as the lower castes in India, essentially making it extremely difficult to access proper work or state resources

Importantly, the claim is that illegality only partly constitutes the lives of the poor and marginalised, and that informality is formally a residual category that even includes some formal elements rather than the opposite of the formal

2. Poor and marginalised groups live in a segregated and hierarchical system that divides the formal system from informal practices of poor and marginalised communities. There are various versions of this view:

- Chatterjee argues that the middle classes occupy civil society – that is based on the enlightenment tradition of equality of all and an affirmation of equal rights-bearing citizenship – and that the poor and marginalised groups occupy political society. This is where governance is based on notions of technocratic management of populations selected for welfare ends by the developmental state, where relations between these ‘populations’ (the ill, poor, uneducated etc) and the state are often instrumentally mediated by political parties.
- Yiftachel argues that urban cities of the south are experiencing a new kind of colonialism that he terms ‘creeping urban apartheid’. This is because urban communities are increasingly stratified and identities fixed such that the poor are separated off and exploited by dominant interests on the basis of being ‘different and unequal’. He introduces the term ‘gray spaces’ to capture the non-formal nature of life in poor and marginalised communities who exist between the ‘whiteness’ of legality/approval/safety and the ‘blackness’ of eviction/destruction/death. This metaphor illustrates the residual nature of informality – i.e. it is not the opposite of formal, but the variety of practices produced in the absence of formal inclusion
- A key point for Yiftachel is that urban segregation is invariable spatialised such that social segregation maps onto spatial segregation

3. State attitudes towards the poor and marginalised tend to be ambivalent at best and often negative in that they are seen as second-class citizens not worthy of the same full rights as formal citizens

- On the one hand poor and marginalised groups can no longer be ignored or be wished away.
 - o Why? (i) the growing numbers of the poor (Bayat) that makes a full welfare solution impossible, but also as Chatterjee notes, (ii) oppression – for example through the forceable eradication of slums – is not a systematic option as most governments are bound by (a) normative commitments (in constitutions, treaties, public discourse) to improve the rights of the poor and marginalised – commitments often championed by civil society and some forms of media – and (b) poor people can vote against those who systematically persecute them.
- On the other hand it is not possible simply to accommodate the poor in the system, at least without threatening property rights and liberal economic practices.
 - o Claims from poor people seen as for populations who need welfare rather than as citizens who have rights. [right to have rights = civil society claim Dagnino]

- Perhaps these margins are useful to the system in various ways, economic, symbolic and political (Yitachel)

4. The second-class status of poor and marginalised groups is typically justified on the grounds of some combination of illegality, disease and danger.

- Yiftachel speaks of the state using delegitimising discourses around criminalisation and health to justify not correcting or equalising policy while even encouraging 'gray spaces' as sites of exploitation.

5. Democratic engagement by poor and marginalised groups with the state is made difficult, but not impossible, and other forms of politics are more common.

- Repressive responses, not only by states, but especially by armed non-state actors such as drug gangs and vigilantee militia (Olson)
- Corruption can flourish in a context where some aspect of people's daily lives is in violation of the state, allowing police and street-level bureaucrats to extract protection money at will, but also allowing citizens to pursue of their (illegal) daily activities
- Gay identifies the practice of the collective clientelism in one poor community in Rio where developmental favours are traded for political support from poor communities.
- Chatterjee specifically identifies political society as a set of practices emerging in India in the 1970s and 1980s that involve using party competition to access state recognition and resources for 'designated populations', and as distinct from both preceding patronage politics and liberal-democratic practices
- Bayat speaks of the 'slow encroachment of the ordinary' where politics is not about confronting power, but a steady influx of the poor through a thousand small movements in stealth to occupy land, link to services, bribe local officials that cumulatively challenge the urban order
- Yiftachel sees possibilities for radical subjectivities and autonomous, community-rooted institutions emerging in gray spaces that may go so far as to reject altogether the state that marginalises them.
- Democratic mobilisation by social movements and others to advance rights coded in constitutions and international documents

6. Intervention by the state in poor and marginalised communities is inherently political. Thus it is often ad hoc, exceptional; highly variable and relatively open to influence of personalities and networks

- the extra-formal nature of these communities means that decision-making is much more driven by local dynamics and interests, and open to many more possible permutations from being ignored to being repressed
- making decisions in a policy grey area makes personal relationships of trust much more important to securing those decisions

In this context the role of the political broker – or mediator – takes on a greater significance.