Rebuscadores: Indignation about the Legal Misrecognition of the Most Vulnerable Segment of the Working Poor in Bogotá

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Abstract

This paper will argue that a good way to misrecognize and deny basic social benefits to those most in need is to inscribe them in broad categories that they do not identify with, that do not allow others to have a clear image of who they are, and that do not give them a place in the overall social space. I suggest that we can group Bogotá's most vulnerable workers under the name *rebuscadores* which is distinctive in class terms. *Re-buscador* is a made-up word in Spanish which suggests that someone is looking all the time for something, in this case, for a way to make a living and survive. If those workers become visible and gain legal recognition (as the proletariat once did) it will be easier to procure legal protection for them, which is one of the ways to fight against longstanding socio-economic inequalities.

Key words

Legal misrecognition; vulnerable workers; classificatory systems

Resumen

En el artículo se argumenta que una manera de invisibilizar jurídicamente a grupos sociales marginados es inscribiéndolos en categorías analíticas demasiado amplias, que impide a otros grupos identificarlos como tales y que ellos se auto-identifiquen colectivamente en el escenario social. Para ilustrar su argumento, la autora toma el caso de los trabajadores más precarizados de Bogotá, critica las categorías de

"trabajo informal" y "economía popular" en las que se les incluye habitualmente, y propone agruparlos, no bajo una categoría impuesta por la distancia académica, sino bajo el nombre con el que ellos mismos se denominan: *rebuscadores*. En Colombia se conoce como re-buscador a una persona que está todo el tiempo en búsqueda de algo, en este caso una forma de generar ingresos y sobrevivir. El argumento central es que si se logra visibilizar a dichos trabajadores (como ocurrió en el pasado con el proletariado), será más sencillo procurarles protección legal, que es una de las formas de combatir las desigualdades socioeconómicas de largo alcance.

Palabras clave

Reconocimiento legal; trabajadores precarios; sistemas de clasificación

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1. Introduction

I will begin this paper with an introductory section where I explore the theoretical background that informs the rest of the sections. Specifically, I will explore the issues of visibility, legal recognition and the politics of class making. In the second part, I will discuss the limits of the two main broad and dichotomic categories used in developing countries to acknowledge the existence of the working poor (formal/informal, popular/non popular). The most vulnerable segment of the working poor is easily lost within those broad categories, making it easier to render them invisible and to legally misrecognize them. In the third part, I will introduce Guy Standing's last book *The Precariat* (2011), which has the merit of giving a name and a place in the social hierarchy to what he believes is a new global class-in-the-making. Standing's analysis is inspiring, but I think it is also too attached to the reality of the developed world. Therefore, in the fourth part of this paper, I make my own attempt at characterizing the most vulnerable segment of the working poor in Bogotá, at giving them a place in the local social space, and at calling them not by a name I feel appropriate but one which they use to describe themselves.

The analysis is based on nine months of fieldwork with precarious and vulnerable workers in Bogotá (September 2012-June 2013). Participant observation was conducted with non-representative samples of workers in two of the poorest areas of Bogotá: Ciudad Bolívar (neighbourhoods San Francisco and Sierra Morena) and Suba (neighborhoods Rincón and Lisboa). Both Ciudad Bolívar and Suba are highly populated areas of around 1 million residents each.[1] My observations cannot be generalized for the areas in which I've been conducting the study, much less for Bogotá or for the informal working poor in Colombia. However, most of the Colombian population is concentrated in big cities, most self-employed precarious workers live and work in urban peripheral neighbourhoods, and qualitative studies using participant observation focused on that population in Bogotá are very scarce.[2] Thus I believe my observations can provide important clues to understanding the dynamics of the new working class in Colombia.

2. Introductory section: visibility, legal recognition and the politics of class making

In this paper, I will argue that the dominant categories used to name the most vulnerable segment of the working poor in the developing world (formal/informal, popular/non popular) make the workers most in need invisible and deny them a place in what Bourdieu (1987) calls the overall social space. Thus, my main purpose is to suggest – based on Colombia's experience, – that there is a new class of working poor that needs to gain visibility and legal recognition for redistributive purposes. In doing so, I will engage in the politics of class-naming and in the struggle for power it implies. This introductory section is written to further explore what that means.

Pierre Bourdieu (1987) made clear that there is a political struggle involved in the making and un-making of the classifications currently in use. According to the author, as social reality is neither completely indeterminate nor completely determinate[3], there is an element of uncertainty which provides ground for political

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[1] For more information about Ciudad Bolívar and Suba, consult the following web pages in Spanish from Alcaldía Mayor de Bogotá (2015a, 2015b).

[2] Under the supervision of Professor Cesar Giraldo (National University of Colombia), local researchers are beginning to write about precarious workers in Bogotá using qualitative data. However, I know of mostly unpublished thesis or unpublished papers written for the local government. A first book with initial findings from different authors (coordinated by professor Giraldo) will be published in 2016.

[3] Bourdieu uses the following example to argue that reality is not completely undetermined: "in the same way that animals with feathers are more likely to have wings than animals with fur, people who have a perfect command of their language are more likely to be found in concert halls and museums

struggles, whose ultimate aim in modern societies is to impose representations or to hold the power of naming. As with a constellation which begins to exist only when it is selected and designated as such, what is at stake in symbolic struggles is the political power to make exist publicly and formally something that only existed in an implicit state.[4]

The point, however, is that agents are unequally armed to impose the definition of classificatory systems such as "social class". According to Bourdieu again, in the struggle to make a vision of the world universally known and recognized, the balance of power depends on the symbolic capital accumulated by those who aim at imposing the various visions in contention, and on the extent to which these visions are themselves grounded in reality. For Bourdieu, symbolic capital designates the wealth (not in the form of money) which an individual or group has accumulated, such as authority, knowledge, prestige, debts of gratitude, etc. Unfortunately, the most vulnerable segment of the working poor in the developing world have not accumulated the symbolic capital necessary to make their vision of the world known, and so as activists we have the double task of fighting against the categories that have been imposed on them, and of advocating for new categories grounded in reality.

As mentioned before, it is important to engage in such a struggle because by doing so we can further legal recognition and give visibility to the most vulnerable segment of the working poor in the developing world. But, what type of visibility am I referring to? What is legal recognition? What is the purpose of it all? First, Andrea Brighenti (2007) argues that visibility is a double-edged sword, as it can be both empowering and disempowering. According to the author, visibility can be empowering if it is framed in a larger struggle for social recognition. In sociological literature, for instance, visibility appears in gender, racial, sexual and minority studies, where it is easy to find a link between being socially invisible and being deprived of recognition. However, visibility can also be disempowering or, in Foucault's terms, it can be a "trap" (Brighenti 2007 citing Foucault 1977). Being seen and watched can also imply subjugation, imposition of conduct and means of control over groups of people previously targeted through processes of selectivity and stratification.

Therefore, visibility encounters a tension between recognition and control which are both connected practices. As such, Brighenti believes that visibility "does not constitute anything inherently liberating, nor, conversely, does it necessarily imply oppression" (Brighenti 2007, p. 19). However, visibility could be inherently oppressing for the socially excluded if what happens is that they become super-visible, for example, to for the police, but invisible when it comes to acknowledging their fundamental rights. According to the work of Sylvestre *et al.* (2011) on homelessness and the criminal justice system in Montreal and Ottawa, for example, homeless persons are highly visible to the police and other administrative authorities, increasing their chances of being profiled and of becoming unwillingly involved with the criminal justice system. However, once within the justice system, they become invisible. Due to high barriers which obstruct access to justice, they are rarely present or represented throughout the legal process, minimizing their chances of being heard and the chances that the judicial authority has of really understanding the context in which the "crime" was committed. Unfortunately, it is that type of invisibility which leads to different violations of their fundamental rights.

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than those who do not." However, at the same time, as difficult as it is to find the boundaries of a cloud or a forest, the boundaries of reality are also not completely determined. (Bourdieu 1987, p. 11).

[4] In Bourdieu's terms: "words can make things and, by joining in the objectivized symbolization of the group they designate, they can, if only for a time, make exist as groups collectives which already existed, but only in a potential state." (Bourdieu 1987, p. 16).

Homeless people share something important with the most vulnerable segment of the working poor in the developing world: many of them find different ways of self-employment in visible public places. Think for example of different kinds of street vendors, recyclers, small open-door businesses, sex workers, amongst many more. Visibility is a quality that is not only predicated of subjects but also of sites, and some sites (public) and subjects (poor individuals who cannot afford privacy) are more visible than others. For them, visibility can be disempowering as it is regularly used to classify, subjugate and control. Therefore, when advocating for visibility for the socially excluded or the unseen, one has to be very specific about the type of visibility being advocated, as being visible is not always a good thing.

In this paper, I advocate specifically for legal recognition for redistributive purposes. Unfortunately, the legal side of recognition has just recently started to be explored. In his typology of different kinds of recognition, Axel Honneth (1995) associates legal recognition with respect (which is the second of the three principal modes of recognition that he identifies). Honneth's thesis is that respect (and therefore social recognition) can only be shown to others by treating them as bearers of rights, and consequently, by acknowledging their rights. If an individual is a bearer of rights, and has been given the chance to participate in society by making his or her own contribution, then he has been granted the measure of social recognition required to be regarded as a full member of society or as a *full citizen* (Honneth 2004). In the opposite case, when an individual has access to limited rights, he/she is being legally misrecognized.

Among other things, Honneth explains why different groups of socially excluded individuals that have limited access to different rights do not consider themselves to be regarded as full citizens. Let me give just two brief examples. According to Mario Berti (2010), homeless people believe that they are not full citizens (because they do not pay taxes) which means they also have limited or no access to rights (such as the right to access to the judicial system).[5] The conception of citizenship that is transmitted to them is based more on responsibilities than upon rights. By making them believe that if they do not fulfill the financial responsibilities attributed to a citizen they are not entitled to the rights that stem from those contributions,[6] we are arbitrarily justifying the characterization of different groups as inferior, justifying their exclusion and advocating for them to be legally misrecognized.

But it is not just the homeless who feel as second-class or even non-citizens. In the book *The Precariat*, Guy Standing (2011) embraces the term *denizens* to refer to poor workers, like migrants, who have a more limited range of rights than citizens do. But poor workers do not have to be migrants either to have limited access to rights. In Colombia, for instance, the majority of vulnerable workers are legally misrecognized. For example, there is nothing like a universal health care system for all born in national territory, but a subsidized health-care system, of obvious lower quality, for the needy. Furthermore, there are no other non-contributive social protection mechanisms other than the subsidized health care system, which means that the socio-economic rights of vulnerable workers are severely restricted as they do not have any real access to social pension, unemployment or disability benefits.

During my fieldwork it became clear that when individuals have limited access to rights, it is not long before they understand that they are viewed as second-class citizens. Many times, for instance, poor workers asked me to make a phone call for them or to go with them to private or public places to ask for information. "They will talk to you…" some of them used to say. "You are like them… I'm just *un*

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[5] The following is a quote of a homeless individual cited in Berti's work: "We're not taken seriously … we're seen as part of the problem. They would take the complaint more seriously if it came from a regular citizen" (Berti 2010, p. 834).
[6] Another quote of a homeless individual cited in Berti's work "It's like this—I don't pay taxes so I'm not seen as a legitimate member of society. The justice system is designed, you know … like, to protect those who do pay taxes from those who don't" (Berti 2010, p. 834).

ciudadano de segunda (a second-class citizen)." What they meant was that I have the cultural and economic capital in Bourdieu's sense required to get some answers from public officials, most of whom have been disciplined and educated by a society full of prejudices that is profoundly tolerant with social inequality. Social justice will just not simply materialize if it is not encouraged by the periodic transfer of power to the groups that are more vulnerable. One way of doing that, of fighting to transfer power to the most vulnerable, is to describe a previously invisible class or category of people. It is a fight for visibility and recognition, but it is also a fight over egalitarian redistribution of wealth and power.

But visibility and recognition are not enough: they have to be linked to redistribution in order to be meaningful for the people. As Fraser (2000) reminds us, there has been a move in the last decades from redistribution to recognition, to the point that "questions of recognition are serving less to supplement, complicate and enrich redistributive struggles than to marginalize, eclipse and displace them" (Fraser 2000, p. 2). But how do we prevent the politics of recognition from displacing the politics of redistribution? To be misrecognized is commonly understood as applying to a group that is devaluated by the dominant culture. It is about cultural injustice, but it is also about economic maldistribution. Fraser's solution is to link misrecognition to social subordination in the sense of being prevented from participating as a peer in social life.

According to Fraser, when we establish that a group of people is inferior, should be excluded, or ignored, we are misrecognizing them as we are placing them in a position where they are regarded as less than full partners in social interaction. That has different institutionalized effects at a plurality of sites: "it can be expressly codified in formal law or institutionalized through government policies, administrative codes or professional practice. It can also be institutionalized informally—in associational patterns, longstanding customs or sedimented social practices of civil society" (Fraser 2000, p. 8). As a form of institutionalized subordination, misrecognition constitutes a serious violation of justice. To redress that injustice, she proposes to establish the misrecognized party as a full member of society by replacing institutionalized value patterns that impede parity of participation with ones that enable it (status model). The aim is both to redefine the standing of social actors and to provide them with the resources needed for full participation.

Fraser's argument is persuasive because she rejects misrecognition only as a problem of cultural representations, and understands status subordination as linked to social arrangements that foster distributive injustice. Her solution is interesting but only insofar as her ideal of establishing the misrecognized party as a full member of society is understood as a diagnostic tool that reveals injustices, disparities, limitations, and other barriers. As Fraser argued in a recent interview, her status model just tries to "draw attention to the distance between the real and the ideal; that is, attract the attention of those around us with an abstract notion of justice, which then helps us to recognize injustice." (Palacio Avendaño 2009) Otherwise, the model would present serious inconveniences, such as taking for granted that if individuals face no barriers to participation then all relevant questions of justice have been dealt with; disregarding the consequences of implying that only the subject that is able to participate is capable of developing a personal identity; analyzing the possible negative effects over group identity, amongst others.[7]

In sum, this introductory section suggests that there is a new class of working poor that needs to gain visibility and legal recognition for redistributive purposes. Visibility can be both empowering and disempowering, and I will argue specifically

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[7] For further discussion about some of the aforementioned criticisms, see: Blunden (2005) and Honneth (2004).

for visibility in the type of legal recognition. My agenda is inscribed in a larger struggle to transfer power to those regarded as second-class citizens with limited rights.

3. Problems with the broad categories used to name the working poor in developing countries:

3.1. Formal/informal employment

Part of being invisible is not even having a name to identify the individuals who make part of a group. Until now, when referring to the group that I will call *rebuscadores,*[8] I have been using a long and complicated phrase: *the most vulnerable segment of Bogotá's working poor*. But who specifically am I talking about? This can be answered by looking at some general key figures on the composition of Colombia's workforce, which are drawn from the collection of statistical data by Colombia's National Department of Statistics (DANE-Departamento Administrativo Nacional de Estadística), more specifically, on the Large Integrated Household Survey conducted for the August-October trimester each year from 2008 until 2012.

In 2012, Colombia's *formal sector* contained approximately 49% of the workforce. Within the formal sector, the majority of workers were wage-earners (percentages fluctuate between 80.4 and 83.3%), followed by self-employed workers (percentages fluctuate between 16 and 18.9%)[9]. However, 51% of the population were part of the *informal sector* where the proportion between wage-earners and self-employed workers is inverted. The majority of informal workers in Colombia are not wage-earners (percentages fluctuate between 25.4 and 28.3% during the last five years), but rather self-employed workers (percentages fluctuate between 65.9 and 67.5%).[10] That means that the new emergent working class in Colombia is basically constituted by self-employed workers.

I used the terms *formal/informal* sector because that is the dominant categorization used in developing countries to differentiate the local workforce, and national statistics are obtained accordingly. However, part of my argument is that such categories are filled with limitations and should be seriously reformulated if not abandoned altogether. I have four main concerns about the use of the categories formal/informal employment. First, Colombia measures informality based on a combination of the definition adopted by the International Labour Organization in

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[8] *Re-buscador* is a made-up word in Spanish which suggests that someone is looking all the time for something, in this case, for a way to make a living and survive. It is difficult to find a word in English that explains what a *rebuscador* is. It shares some of the characteristics of a *hustler* because they both struggle to make money in any way they can to survive everyday life. However, *hustlers* are usually associated with dishonest or illegal work, while *rebuscadores* are not. Their work is usually honest and legal.

[9] Colombia's National Department of Statistics (DANE) subdivides the figures obtained for *formal/informal employment* into different categories, one of which is "occupational position." For formal employment, occupational position is subdivided into 8 groups (public employees, private, domestic or farm employees working for firms, farms or households with more than 5 employees, professional self-employed workers, employers hiring more than 5 employees, family workers without compensation and workers without compensation in other households or firms that hire more than 5 employees). I grouped the figures obtained for farm laborers and private, public and domestic employees into *wage-earners,* as they are all dependent parties in a bilateral employment relationship. I also grouped self-employed workers and employers into *self-employed workers*, leaving apart both groups of workers without compensation who occupy only between 0.2 and 0.4% of the formal workforce.

[10] For informal employment, Colombia's National Department of Statistics (DANE) subdivides occupational position into 7 groups (private, domestic or farm employees working for firms, households or farms with less than 5 employees, self-employed workers excluding professionals, employers hiring less than 5 employees, family workers without compensation and workers without compensation in other households or firms that hire less than 5 employees). I grouped the figures obtained for private, domestic and farm employees into *wage-earners,* and self-employed workers and employers into *self-employed workers*. I left apart both groups of workers without compensation who occupy between 4.6 and 5.9% of the informal workforce (a number still low but significantly superior if compared with the formal workforce).

the 15th international conference of labour statisticians (ILO 1993), and the report of the third meeting of the expert group on informal sector statistics (Delhi group 1999). The definition is based on the characteristics of the units of production (enterprise approach), rather than on the characteristics of the type of jobs (labour approach). Therefore, it does not include any explicit standard related to labour regulations but is based exclusively on firm size, or more specifically, on the assumption that there's a high probability that the informal worker is situated in the range of enterprises employing five or fewer workers (DANE 2009).[11]

Following that definition, approximately 51% of the Colombian workforce was informal in 2012 because they worked in enterprises with 5 or less employees. If the measurement included other variables which seem rather important when looking at unprotected workers in a legal sense and captured, for example, all workers who did not receive "all mandated employment benefits,"[12] that would mean that approximately 97% of the Colombian workforce is informal. Regardless of the definition used, the point is that more than half of the population is "informal," and no proper effort has been made by local governments to subdivide that big category into differentiated segments of precarious workers in need of differentiated public policies to improve their situation.

The problem is not that experts do not understand that disaggregation is essential to provide better public analysis. From the World Bank to the global action-research-policy network Women in Informal Employment: Globalizing and Organizing (WIEGO), efforts have been made to develop holistic models of the composition of informality. The WIEGO, for instance, divides informality into different statuses of employment (employer, employee (regular and casual), self-employment, industrial outworker/homeworker, and unpaid family worker), and suggests a classification based on factors such as poverty risk, average earnings and segmentation by sex.[13] The World Bank (Perry *et al*. 2007) has its own model, and even local public authorities responsible for the collection and processing of official statistics, such as Colombia's National Department of Statistics - DANE, produced differentiated figures of informality.[14] The point, however, is that this disaggregation has not been taken into consideration for the design of differentiated public policy.

Second, dividing the workforce broadly in this way (formal/informal) makes it easier for governments and analysts from all ideological orientations to assume and sell the idea that informality is bad for all workers and that formal jobs are always better. The Colombian Ministry of Labour, for instance, constantly disregards the fact that the majority of vulnerable workers are self-employed and have sufficient incentives to remain that way, while erroneously assuming that converting them to formal wage-earners will mitigate if not solve their problems.[15] That is frequently not true according to my observations (see third part of this paper). The question then is the following: why is informality so high and what can we do to reduce it? Scholars and public officials disagree on how to reduce it, but they do not disagree

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[11] For a complete definition of informality, see (DANE 2009, p. 10-11). Recently the ILO changed its traditional definition of informality to a more comprehensive one that takes into consideration regulation criteria, as it looks into additional types of informal employment outside informal enterprises. However, most of the available data for many developing countries is still based on the 1993 definition. Some countries like Colombia (I dare to say) are terrified for the political implications of increasing the number of informal workers as a result of adopting the new definition.

[12] In Colombia, that means contributions to pension, health, and workplace accident insurance, right to severance pay, paid vacation, mid and end-of-year bonus and transportation subsidy for employees with salary less or equal than 2 minimum wages.

[13] The highest poverty risk was for unpaid family workers, most of them women, with low or inexistent earnings. The lowest poverty risk was for employers, most of them men, with high average earnings. For a graphic idea of the model by status of employment depicted see WIEGO (2015).

[14] DANE, for instance, divides informality by statuses of employment, educational background, kind of work performed, workplace, social security affiliation and sex (DANE 2009).

[15] For a complete discussion around that statement, including the description of the concrete incentives of vulnerable self-employed workers to remain informal, please see: (Porras, to be published).

in that public policy should be focused on creating more formal jobs which will result in the reduction of informality.[16]

Third, *informal worker* is not a category that the most vulnerable working poor identify with, it does not come from them, and it is so immensely broad that it cannot possibly give them a place in the overall social space. A male employer with four employees and the unpaid daughter of a female street vendor are regarded both as "informal workers," although the truth is they have very little in common in class terms and at all. Even if governments were to take seriously the call of organizations such as WIEGO to disaggregate the category "informal" —and assuming that the male employer with four employees knows he is different from the unpaid daughter of the female street vendor since he is an "informal employer" while she is an "informal unpaid family worker,"— it wouldn't change much. Those names are technical, imposed and unfamiliar and, as a result, the most vulnerable clearly do not identify with these categories. During my fieldwork, when I told vulnerable workers that they were classified in some of those categories, their faces looked like they had just received a complicated medical diagnosis: "O.K. Thanks for telling me."

Fourth, and most importantly, within broad categories such as formal/informal employment, vulnerable workers like the self-employed get easily lost, making it easier to render them invisible. As said in the introduction, when advocating for visibility of the socially excluded one has to be very careful. Vulnerable workers are usually very visible for the police and other administrative authorities, but invisible when it comes to protecting their basic human rights. Think for example of a street vendor, or of a woman selling beer in the illegal settlement where she lives. Both are usually super-visible to the police, and are controlled closely as "public space occupiers," "illegal occupants," or "violent individuals" prone to "public disturbance."[17] However, they are usually invisible as bearers of rights, and that becomes obvious when they say they feel treated as second-class citizens. As those broad categories are not subdivided into differentiated segments of precarious workers, there is no easy way for us to find out how different groups are being legally misrecognized, or to learn about the differences regarding their limited access to rights.

3.2. Popular economy.

In Latin America, a group of left-wing intellectuals felt particularly concerned by the concept of informality, especially as they thought it idealized formality and degraded the different survival modes created by the "informal" working poor (Razeto 1993, Maya 2002, Wanderley 2002, Merlinsky 2004, Giraldo 2007, Roig 2008, Coraggio 2012, Marañón-Pimentel 2013). They believed it was necessary to create a new category with a new content. The new category was called *economía popular* (popular economy), and it differed from "formality" in that while formality is commonly associated with the model of capitalist accumulation, popular economy was to be associated with experiences of resistance against that very model.

The group acknowledged that we know very little about the internal functioning of the working poor, and they argued that the main reason for that was that we are used to capitalist structures of thought that prevent us from looking at the working poor from a different point of view. Consequently, the goal was to expose the arrangements of power underlying those structures of thought and to study thoroughly what they called "popular economy". A growing number of authors took and are increasingly taking the task of doing so in Argentina, Chile, Bolivia,

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[16] The two last big initiatives of the Colombian government to formalize employment were Law 1429/2010 and Law 1607/2012. In a classic neoclassical mentality, both had in common the intention of lowering labour costs for employees, hoping that will stimulate job creation and reduce informality.

[17] All of the above are labels that I heard frequently from the police and other public officials during my fieldwork.

Ecuador, México and Colombia. The most renowned works come from Argentina and Chile, particularly from Coraggio (2012) and Razeto (1993), where popular economy initiatives were documented after periods of hyperinflation or after the dictatorship.

Their main conclusion is that there is an increasing number of poor workers in Latin America who have been forced to create new forms of self-employment due to critical periods of unemployment, whose relations of production are mainly based on kinship or neighborly relations but not on capitalist relations. They are not oriented mainly towards the reproduction of capital but to the reproduction of life. By establishing relations of solidarity, reciprocity and cooperation they build strategies of employment and survival with the main objective of improving their lifestyle and creating conditions necessary for human development (not of accumulating monetary earnings to be exchanged in the market). As a result they oppose capitalist thought. The main political goal of the movement is to strengthen those experiences and to give them political voice, so that they are able to fight successfully against capital hegemony and so that governments are pushed to acknowledge and adopt a fair and different economic model.

This approach is convincing for at least four reasons. First, I think they are right when they argue that underlying the category of formality there is the uncontroverted assumption that formal employment is good while informal employment is bad. It is really not so simple. Second, they changed the question: it is not about how to convert as many informal workers into formal ones; it is about learning the internal functioning of the working poor before proclaiming they would be better off in a "formal" job. Third, they are right when they argue that the dream of formalization is also associated with the dream of expanding the model of capitalist accumulation and that no major debate has been built around that. Lastly, I like their methodological approach and the fact they are trying to learn from the poor how to improve the conditions of the poor. Due to the absence of bottom-up qualitative studies in the area, their approach needs to be celebrated.

However, my fieldwork observations with the working poor in Bogotá do not coincide with their findings. As true as it is that those around the formality debate idealize formal employment, I believe that those around the popular economy debate idealize the working poor. Their conclusions are based on very specific examples of groups of poor workers who joined efforts after moments of massive political or economic crises (hyperinflation, dictatorships), or on the experiences of minority groups with very specific cosmogonies (indigenous communities, highly ideologized workers), but – as they sometimes recognize indirectly– not in the experiences of the traditionally marginalized and atomized majority of the most vulnerable working poor. As a result, it is not surprising that in the examples they use, poor workers share the values and characteristics (solidarity, mutual help) that the movement hopes to see. Those coincide with the dream of finding alternatives to capitalism. However, I have not found the reciprocity and cooperation they talk about in my observations of the working poor. If you dig very deep, you can find some exceptional examples that could be described, but they are only that: truly exceptional examples that should not be generalized.[18]

Finally, "popular economy" is also such an immensely broad category that it is also not useful to give the most vulnerable working poor a place in the overall social space. Although vulnerable workers identify as being part of the "popular sector," my mother (an economically stable school teacher with sufficient savings to live the rest of her life) also does. The category has not been disaggregated (and is likely not to be) as it becomes important to add more people to the political cause.

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[18] Idealizing the poor is not good for the poor. I understand the urge of countering traditional biases and hostility, but that should not come at the cost of a voyeuristic celebration of the survival strategies of the poor, who are full of anxiety, unpredictability, lack of trust and sometimes anger. I think that as important as being politically engaged, it is important to be grounded in reality more than in dreams.

Legal recognition is definitely tied to social visibility. In Colombia, lawyers usually think that labour laws protect the proletariat because they are the workers most in need (the lower social class). However, most of the proletariat is actually "formally" employed (according to both definitions of the ILO). If that is so, who are the workers in worst conditions? Can the words "informal workers" or "members of the popular economy" give us a clear image of who are we talking about? When the word "proletariat" is mentioned, we get the approximate idea of a wage earner, probably a manual employee working in an industry. Marxism made that clear for us, as it made clear that those who are part of the proletariat are full class citizens, bearers of a determinate set of legal rights. But do we really get a clear image when hearing the words "informal worker" or "worker of the popular economy?"

4. Guy Standing's *The Precariat*: its virtues and limits

Guy Standing (2011) understood that problem. In his new book *The Precariat*, he acknowledges that every day more and more people (not just in developing countries)[19] find themselves in a status that many analysts call "informal," even though people in that condition "would not have found this a helpful way of describing themselves, let alone one that would make see in others a common war of living and working" (Standing 2011, p. 6). Therefore he coined the name *precariat* to describe what he thought is a new class-in-the-making in the Marxian sense of the term. He then gave them a place in his portrait of the global social hierarchy where he identifies seven groups. At the top he identifies a tiny "elite" of rich global citizens. Below comes the "salariat" still in a stable full-time employment. Alongside the "salariat" is a smaller group of "proficians," professionals and technicians with skills earning high incomes on contract. Below is the shrinking core of the old working class or "proletariat," consisting of "mostly workers in long-term, stable, fixed hour jobs with established routes of advancement, subject to unionization and collective agreements, with job titles their father and mothers would have understood" (Standing 2011, p. 6). Welfare states were built with them in mind, as were systems of labour regulation. Underneath them, he situates the growing "precariat".

Standing believes that the precariat is distinctive in class terms although it is far from homogeneous.[20] It consists of people who have minimal trust relationships with capital or the state (unlike the salariat) and none of the social contract relationships of the proletariat. Women, migrants, youth and seniors are clearly overrepresented. They share "a sense that their labour is instrumental (to live) opportunistic (taking what comes) and precarious (insecure)" (Standing 2011, p. 14). They deal with irregular patterns of income and have no assurance of stability, which means they have to frequently deal with welfare. They are told that they must answer to market forces and be infinitely adaptable. They do not even have a clear name to call themselves, so it is not surprising that they do not possess a collective voice in the market.

Standing considers that at least a quarter of the adult population in many countries is in the precariat. In his book he makes a strong effort to characterize them, and to think of some possible solutions. As suggested in the introduction, he develops with particular care the thesis that the precariat is composed by *denizens*:[21] people – like migrants – who for one reason or another have a more limited range of rights

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[19] The myth being that the developed capitalist world was close to full formal employment as the workforce was supposedly absorbed by the industry and then by the tertiary sector.

[20] "The teenager who flits in and out of the internet café while surviving on fleeting jobs is not the same as the migrant who uses his wits to survive, networking feverishly while worrying about the police. Neither is similar to the single mother fretting where the money for next week's food bill is coming from or the man in his 60s who takes casual jobs to help pay medical bills" (Standing 2011, p. 13).

[21] According to Standing, in the Middle Ages, in various European countries, "a denizen was an alien who was discretionally granted by the monarch or ruler some – but not all – rights that were automatically bestowed on natives or citizens" (Standing 2011, p. 93).

than citizens, and are forced to work in unstable temporary or part-time jobs. Without explicitly saying it, Standing is really denouncing the existence of legally misrecognized groups of individuals who have access to certain rights but not to others. Denizens, for instance, may have *de jure* rights but are excluded from *de facto* rights. He additionally acknowledges that there are varieties of denizens, and that one of those varieties is informal workers: "for example, a home-based worker in an urban slum will not have a right to electricity. A street vendor is treated as a criminal. And 'non-citizens,' such as Bangladeshi or Nepali domestic workers, have no rights at all" (Standing 2011, p. 95). Standing considers that global denizens are not really on the trajectory to gain rights, or of becoming part of the proletariat, which makes them every time more super-exploitable. They are really "disposable workers, with no access to State or enterprise benefits, who can be discarded with impunity, for if they protest the police will be mobilized to penalize or criminalize them" (Standing 2011, p. 96).

Standing's book is incisive, important and provocative. It has the great virtue of giving those workers most in need a name and a place in the social space. However, his work is still too attached to the reality of the developed world (which is what he knows best). After living in Canada for a couple of years, I felt his characterization of the global precariat fits much better with precarious workers in Canada than with the working poor I've befriended in the streets of Bogotá. Colombia is a place where a large majority of the population (including me, my husband and close friends) work under short-term unstable contracts that need to be renewed every few months, without clear routes of advancement, with no fixed hours, without benefits such as maternity leave, paid vacations or others which were (and are still) given to a tiny minority of the population for which labour regulation still applies. Our conditions are not far away from the depiction of Standing's precariat. However, they are far, far away from the conditions of working poor I've befriended in the streets of Bogotá. Therefore, I thought it was important to make my own effort of characterizing the working poor in Bogotá, and that starts by calling them not by a name I feel appropriate but by the name they use to describe themselves.

5. Rebuscadores: the challenge of giving the most vulnerable segment of the working poor in Bogotá hope for visibility and legal recognition.

It could be argued that broad categories do not work with vulnerable workers because their identity is constructed around the smaller groups they are part of (recyclers, street vendors, seamstresses, etc), or around negative stereotypes such as "illegal occupants of the public space" or "tax evaders." But during my fieldwork I learned that they actually identify with a category that is not only broadly comprehensive but strong enough to provide them with group identity: they call themselves *rebuscadores*. In Spanish, *buscar* means to look for something. *Re-buscador* is a made-up word which suggests that someone is looking all the time for something (for a way to make a living and survive). *Rebuscador* is not a category which has been dealt with in scholarly literature, but it has had some type of exposure in Colombia's public media.[22]

Rebuscadores usually come from poor families of various origins, have low educational status, and live (but not necessarily work) in stigmatized districts of the urban periphery. The whole family works each day to amass what they call *el diario* (daily income needed to cover life's basic necessities). It's common to see how they buy two expensive tablespoons of sugar for their daily needs, instead of a cheaper bag of sugar for at least two weeks. Rent is also often paid on a daily or weekly basis. They know exactly how much money they need to earn each day, in order to survive.

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[22] There's a TV show which traced the lives of some *rebuscadores* who work as vendors on public buses (Los Puros Criollos 2012). The video is useful to give the reader a better idea of whom I'm taking about.

As they need to gather a basic daily income, they cannot afford the unemployment gaps between temporary or part-time jobs typical of the globalized era. The family is simply unable to cover them for long (sometimes for more than a day, usually for more than a week, very rarely for more than two weeks), so they have to *re-buscarsela* (find quickly something to live from and survive). In Colombia there is no welfare, so that excludes the possibility of using it to bypass unemployment gaps as Standing's precariat does. Additionally, as mentioned before, the only non contributive social protection mechanism is the subsidized health care system. The rest are social insurance schemes where beneficiaries are requested to contribute financially. As vulnerable self-employed workers are very rarely (if not ever) able to contribute, their social security rights are severely restricted because they don't have any real access to social pension, unemployment or disability benefits. In short, they don't have established ways of coping and recovering when something goes wrong.

Women make up the majority of *rebuscadores*. They cook street food in their houses, they become street vendors, they take care of some neighbor's child, and if opportunity arises, they take care of someone's house for a couple of days. If business is not so good, they might take a part-time job as a waitress, change from selling on the street to selling on a bus, change from selling vegetables to selling pirated DVDs, or they will try to learn beauty tricks to work as a mobile freelance hairdresser. In the event that they do have occupational skills, those may vanish or cease to be a reliable ticket to a secure identity or long-term sustainable life of dignity.[23]

As Standing's precariat, *rebuscadores* work and they might take several jobs at the same time, partly to earn more money, partly for insurance or risk management. The atmosphere in their house is not very different from the atmosphere in their workplace.[24] Women bear a disproportionate amount of work as they confront the challenge of the triple burden: they are expected to do most of the care work for children and elderly relatives, and they are expected to provide a daily income. Paid work and unpaid labour could take up to 14 hours a day. They almost never rest. Consequently, life expectancy is not very high (during their 20s or even before, they start having children; during their 40s they raise their grandchildren, and if they make it to their 50s they are often very sick). However, when asked what would happen if they actually arrive to an old age (and increasingly some do), the answers are always very similar: "hopefully family (sons and daughters) will take care of me… mmm… but nowadays who knows…. God will provide."[25]

Unlike what theorists of the popular economy say, a strong characteristic of *rebuscadores* is their lack of trust. They distrust neighbours and even family members, and usually run away from offers of cooperation to build better strategies of employment and divide earnings. It is one thing that family members (usually children and the elderly) help them in their daily survival strategies, and a very different one that they associate in symmetrical relations of power with family members or neighbours to divide earnings. In fact, *rebuscadores* seem to be many times at war against one another. It's common for one group to blame another for its vulnerability and indignity. They grew up in violent areas and felt very early the

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[23] When I say they act opportunistically and have the flexibility to change from one thing to another, it doesn't mean their jobs are not usually "stable." One street vendor once told me: "if you or your husband ever get tired of those shitty jobs you have (he meant unstable), you know you earned a space close to us. You can sell avocados." It didn't really matter if we made more money, didn't have to bear the threat of evictions, worked less than half of the time they do, didn't have to deal with the weather … my friend was terrified by our unemployment gaps (in his mindset you live on a daily basis). I felt grateful and relieved.

[24] As Standing argues for the precariat: "non-stop interactivity is the opium of the precariat, just as beer and gin drinking was for the first generation of the industrial proletariat" (Standing 2011, p. 131).

[25] Quote from a street vendor of around 50 years that I wrote in my field notes. May 2013.

need to defend themselves from neighbors and even members of their family to literarily survive.

They are disadvantaged in the increasingly significant sphere of legal knowledge. Although they have to deal with complex laws and regulations all day long —and it's almost impossible even for a lawyer to know every aspect of the law that might apply to them (to get their children a place in school, to access medical treatments, to access any subsidy available, to prevent themselves from being evicted etc) — the truth is they are particularly disadvantaged in this respect. Part of the reasons I could become close to them so quickly is because I am a lawyer, and they are in desperate need of legal aid.

They are their own bosses and they would like to keep it that way, mainly for two reasons: 1) they avoid humiliations and being targeted by superiors as "poor," "rude," or "cheeky," and 2) they enjoy flexible hours. Even if they work excessively, getting to choose when to do it allows them to accomplish a lot of unpaid labour that needs to be done. Examples include assuming caregiving responsibilities, applying for the few subsidies available, asking for medical appointments, (which can take several hours if not days), and defending themselves from state requirements such as child neglect, public disturbance or occupation of public space, amongst others. Those characteristics, together with the fact that most *rebuscadores* make more money doing what they do than in available "formal jobs" for their educational background and status,[26] helps us understand why many of them – even if offered a "formal job" – prefer to stay where they are. It is not that their working conditions are good; it is that "formal jobs" can be so profoundly precarious (even if carrying the fancy name) that one has to reject the generalized idea that informality is bad for all workers and that formal jobs are always better for them.

One last key characteristic of *rebuscadores* is their lack of collective voice. Except when desperate, they keep their heads down, hoping not to be noticed as they go about their daily business of survival. The proletariat has unions to defend themselves (although unfortunately unionized people add up to less than 3% in Colombia), but *rebuscadores* do not. Sometimes they have some weak and dispersed associations attached to the specific activity they perform, but as they lack a common name and a place in the social hierarchy they also lack collective voice. They are free to compete against each other in the neoliberal sense, but they are not free to express their demands as a group as there is no associational structure that allows them to do so. Associational freedom is needed rather than just individual autonomy.

It would be possible to think that given the characteristics I just mentioned, *rebuscadores* in Colombia are distinctive in class terms, and have earned a place in the local social hierarchy that has suffered profound reconfigurations due to the rapid transformations of the labour market. Following Standing's exercise, I would identify six groups in Colombia's local social hierarchy:[27] At the top, there's a tiny fraction of full citizens who are part of the global "elite," most of whom don't even live in Colombia. Below would come a small fraction of what Standing called the "salariat" and the "proficians" (highly educated individuals who are still in a stable full-time employment, or who have the necessary skills to earn high incomes on contract). Then comes a considerable number of workers (the majority of workers in public and private institutions for instance), who earn decent salaries for Colombian standards (more than 3 times the minimum wage),[28] but whose

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[26] Someone selling vegetables in the street of one of the poorest neighbourhoods in Bogotá makes almost twice the minimum wage, which still barely covers their basic needs and those of their family.
[27] There is a large bibliography (although not very recent) on class structure and social hierarchy in Latin America and Colombia. For two relatively resent good essays, see: Portes and Hoffman (2003) and Atria (2004).
[28] Columbia's minimum wage for 2013 is equivalent to 323 US dollars.

employment relations are based on non-standard forms of employment such as fixed-term service-provision contracts or temporary agency work. Specific parts of the labour regulation rarely and with great difficulty apply to them. They can be thought of as part of Standing's precariat. Below comes the shrinking core of the old "proletariat" with stable standard forms of employment but low salaries close to the minimum wage. Underneath comes a number of poor workers with low wages and "non-standard" forms of employment (also part of Standing's precariat) who can still give themselves the "luxury" of having wage-earning jobs and surviving through unemployment gaps. Finally, there are the *rebuscadores* with the characteristics I have just described.

Using Standing's work as inspiration, until now I have been exploring the possibility of characterizing *rebuscadores* as a new class-in-the-making in the Marxian sense of the term. However, approaches to class tend to construe the agent as a mere occupant of the structural position, and I do not think that people just comply mechanically and act as instructed by external structures. That does not mean that structures do not influence people's actions. It just means that there must be a way to reconcile the tension between structure and agency. From my point of view, Pierre Bourdieu is the author that better mediates the tension, by arguing that external structures are first mediated by *habitus* to produce action. People do not just comply mechanically with the meanings infused by structures, but they choose and actively strategize within a limited range of options determined by their particular trajectory in the social structure.

Bourdieu makes room for agency, but a type of agency that always depends on the chances that the actor posses by virtue of its capital. It's not the same to be poor or rich, educated or uneducated, which doesn't mean that the poor and uneducated are just passive victims. It means that the space to choose is different depending on the trajectory of the actor. In that sense, it's better to use Bourdieu's theory and argue that *rebuscadores* share a particular *habitus* (not class consciousness) that defines the things they do or not do. Being subjected to similar conditions, *rebuscadores* tend to resemble one another and to reinforce their points of resemblance. However, they also struggle to differentiate themselves from their competitors by improvising personal style within constraints.

Rebuscadores share a *social space* in Bourdieu's terms, which is the basis of a division into classes. Bourdieu studied how groups are made and unmade in social life, and he found that agents that have been subjected to similar conditions of existence, develop similar practices, and occupy similar positions in social space. The structure of social space is given by the distribution of various forms of capital that are capable of conferring different types of power to their holder. Those types of capital can vary from society to society, but according to the author's empirical investigations, it is usually about economic, cultural, social, and symbolic capital. Agents are distributed in the overall social space according to three dimensions: global volume of capital, composition of their capital (that is, "relative weight in their overall capital of the various forms of capital, especially economic and cultural," (Bourdieu 1987, p. 5)) and evolution in time of the volume and composition of their capital.

The construction of the space is the basis of a division into classes, with the greatest possible internal homogeneity but with the largest possible separation between them. *Rebuscadores* have a similar volume and composition of overall capital (especially economic and cultural) and therefore share a particular *habitus*. As they are so close in the overall social space we could also say they are part of a same *social class,* and we should advocate for them to be acknowledged as such, as hopefully that will help them achieve visibility and legal recognition. As Honneth (2004) argues, respect can only be shown to others by treating them as bearers of rights, and consequently, by acknowledging their rights. We have to advocate for different ways of transferring power to individuals with limited rights so that they

can become full citizens. It is a fight for visibility and recognition, but it is also a fight over egalitarian redistribution of wealth and power.

6. Brief conclusion

At present, the government and the scholarly literature only notices *rebuscadores* either as being part of very broad categories (informal/ popular economy) or as individuals who perform very specific activities (recyclers, street vendors, small family business workers, seamstresses, etc). Some of those activities are highly regulated (just for street vending, there are close to a hundred rulings from Superior Courts, as well as generous amounts of national and local decrees) – pushing street vendors to bargain individually with the government whenever they have a problem to discuss the regulatory specificity of their activity, but pushing back other *rebuscadores* who feel it is not their business. To give them a common name is a way to unite the weak and dispersed associations attached to the specific activity they perform, and to strengthen associational freedom. It is a way for them to be able to channel their demands and force the government and academia to hear their collective voice and to provide legal protection. It is also a way to guarantee that the most vulnerable segment of the working poor in Bogotá ceases to be invisible within broad categories of poor workers.

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