

Informality and Formality Practices in Coexistence: Public Markets in Mexico

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A Thesis

In the Department of

Political Science

Presented in Partial Fulfillment of the Requirements

For the Degree of

Masters of Arts (Political Science)

at Concordia University

Montreal, Quebec, Canada

March 2021

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**CONCORDIA UNIVERSITY**  
**School of Graduate Studies**

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**Masters of Arts (Political Science)**

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## **Abstract**

### **Informality and Formality Practices in Coexistence: Public Markets in Mexico**

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Public markets in Mexico and Latin America are important spaces of commercialization and social revitalization that contain a representative set of regional environment (Licona 2014, 142). One intrinsic attribute of public markets is the informal vibe in which they are immersed. Informality has been studied using cases of application such as informal employment (Moser 1978; Crossa 2016) and squatting (Roy 2005, 2009; McFarlane 2012). However, despite being a very relevant epicenter for social dynamics, public markets have not been studied under the light of formality and informality in coexistence. This research asks why do stakeholders in this public markets use both formal and informal practices in their market-related activities. To answer this question three major axes will be explained on which this imbrication happens: Pragmatism- where agents use informality or formality depending on which one provide the greatest benefits or the lowest cost (Loayza 2008, 50), government action or inaction- where informality appears in legal loopholes in ambiguous regulation (Navarrete 2016, 287) or in the poorly enforcement of regulations (Banks et al. 2019, 11), and social networks and culture- Mexican civil society historically has low confidence in institutional agents that enforce and establish the law (Mitofsky 2020). Mainly because of the high number of cases of impunity and corruption (Tronco 2012, 230), promoting in different issues the general acceptance of Non-compliance with the regulation.

## **Acknowledgements**

Thank you Dr. Tina Hilgers and Dr. Jean Francois Mayer for your guidance and teachings throughout this process. Without your support I would not have been able to achieve this goal.

Thank you to my husband, Julio, for being my hidden reader and for always being by my side no matter what.

Thank you to my family, for encouraging me to achieve whatever I propose.

Thank you to my friends and colleges, for always supporting me.

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## 1. Introduction

Chela Martínez,<sup>1</sup> as her friends and family call her, has devoted her life to her stall in Xochimilco's public market in the southern part of Mexico City. She started working in the market 25 years ago as a clerk in a stall. When the owner of the stall decided to retire, Chela was offered the option to lease the stall. At the beginning, Chela was hesitant about this decision as she once heard that leasing a stall was not an allowed practice according to the market regulations, but she realized that many other stall operators were also subtenants and decided to take the opportunity. Ever since, her market stall has been her job and main life activity. During the time she has operated the stall there have been ups and downs, but nothing compared to what it has been during 2020 in the context of the global Covid-19 pandemic. She fears that up to 70% of her sales will be lost during this year's high season from the Day of the Dead (end of October and beginning of November) to the Christmas/New Year period because of the global pandemic.

In a regular year, Chela usually increases her holiday and seasonal product stock. She adds new products to her usual catalogue such as *cempasúchitl* flowers (a Day of the Dead staple), Christmas decorations and other seasonal items to her stall's offering. She does this through the use of informal credit given to her by individuals who lend money to stall owners like her and collect high interests on such credits. She uses this credit because she still gets a satisfactory net profit after paying her loan. This year

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<sup>1</sup> This is a fictional story base on real facts from these sources: Carrasco, Patricia. 2020. "Tiene pérdidas La Merced del 70% en ventas desde que inició la pandemia y están en riesgo de quiebra," *La Prensa*, (September

she is thinking of using this same credit for buying her personal groceries and paying her home bills but fears that, if sales do not improve in the next weeks, she will be unable to repay the loan.

Despite not being the registered owner of the stall, Chela usually participates in the stall owners' meetings and assemblies. During the most recent assembly (On October 2020), she and many owners marched to the seat of the municipality government to demand public support to acquire sanitizer gel and masks and to demand the presence of a representative from the municipality in the market stalls to enforce health safety measures. Chela and the stall owners believe that this would improve trust among their customers during the high season and would help them improve sales. Chela believes that the rent she pays every month to the stall owner and the constant attendance to the market assemblies give her the right to demand support from the municipal government, like any other stall owner, despite hers not being a registered business.

Chela's story is important because it demonstrates the imbrication of formal and informal practices. Stall owners and operators adhere to some market regulations and pay certain rights and fees, such as the rights for land use in the market or their taxes; they participate in assemblies and elections and comply with most authority inspections. At the same time, they sublease their stalls if needed, hire informal workers, operate informal financing mechanisms and are not formally registered as businesses. These

practices are a small-scale representation of broader economic and social realities. Public markets are micro economic systems that have mirrored for centuries the local economic dynamics and ways of life (Licona 2014, 142). Despite the economic relevance of public markets and the rich data seemingly readily available from them, little research exists that explores informal practices within them. In addition, the literature on informality has traditionally viewed the informal and the formal as opposed practices.

In this thesis, I present a case study of informal economic practices in Mexican public markets, filling an empirical gap in the literature and making a theoretical contribution through the argument that formal and informal practices are closely connected.

## **2. Objectives and Methodology**

### **2.1 Objectives**

The objective of this project is to analyze the interaction between formal and informal practices on a day-to-day basis among key players within the context of public markets in Mexico. The research question for this project is the following:

- *Why do stakeholders in public markets in Mexico use both formal and informal practices in their market-related activities?*

This project is designed to understand how both formal and informal practices are used in conjunction by an individual and/or a group of individuals in the market and which are the drivers that make them select the use of one practice or the other. Additionally, this research project will clarify how the main stakeholders in the market approach to and deal with informality.

An initial assumption about the factors that help answer the question is that formal and informal practices are selectively used, either in conjunction or alternatively, and individuals engage in one practice or the other by considering the pragmatic benefits each practice provides them. This reason is formulated around the fact that individuals evaluate the potential benefits and disadvantages of selecting a formal or an informal practice and execute them simultaneously. Interestingly, for individuals to be able to selectively use formal and informal practices upon their choice, there must be an institutional government framework that tolerates the use of informal practices. Indeed, the action or inaction of the state is the driver for the appearance of informal or formal settings. In addition, such tolerance and acceptance of these imbricated behaviours is originated and influenced by the culture in which these markets have evolved and operate nowadays. It is the way in which the stakeholders relate among themselves that creates a cultural acceptance and promotion of formal and informal practices and these relationships are how these practices are learnt and transferred among the social spheres using them.

In summary, from this line of thought, the following hypotheses are formulated:

- Stakeholders in public markets use both formal and informal practices in imbrication because they pragmatically identify the benefits that each practice provides them.
- The existing governmental framework incentivizes the use of formal and informal practices in public markets.
- Social networks and learned cultural practices for everyday life organization such as conflict management and collective support motivate people to practice formality and informality in imbrication in public markets.

Under the light of the proposed research question, these three main reasons appear to explain the coexistence of informal and formal practices simultaneously. In addition, the imbrication of these practices means that they influence and interact with each other.

The approach for validating these hypotheses, however, is not to select one hypothesis or the other. The peculiarity in validating these hypotheses is that the answer to the question is not given by the prevalence of one reason over the other but rather by the interaction of the three reasons among each other. Thus, each of the three reasons might contribute individually to a joint role driving informality and resolving the research question.

This imbrication sets the stage to understanding the relevance of informality from the standpoint of public markets. There are two major reasons that fuel the importance of conducting this project: the academic relevance and the institutional relevance.

The academic relevance to studying informality through the lens of public markets is defined by the gap in literature that currently exists, as there are surprisingly few research works around informality that use public markets as cases of study. This is quite a critical gap considering the research richness of this setting and that it is a microcosm in which formal and informal practices are conducted constantly, very visibly and with high acceptance.

The institutional relevance of studying this field relates to the need of better policy-making strategies for several stakeholders around the public markets. In Mexico City alone, over 280,000 families' income, an estimated of 1,008,000 people (CONAPO 2020), depends on the economy around public markets and hundreds of thousands of individuals visit and buy from these settings (SEDECO 2017). Therefore, this enormous impact justifies the creation of policies concerning the specific dynamics of public markets. This is more evident considering the obsolescence of the government approach to public markets in Mexico City, proved by the fact that the first and only institutional approach to regulate this sphere, the Market Regulation for the Federal District of 1951 is almost 70 years old.

But looking at markets from the perspective of informal politics also points to a

theoretical gap. The existing literature about informality portrays the term as a fixed, static phenomenon and as the complete opposite of formality. This classic perspective to informality conveys certain issues, such as the negligence of the evolution of the practices, the agency of the individuals conducting the practices, among others. From these issues, a nascent body of literature, which for now on will be named as the dynamic approach, is emerging. This new academic current acknowledges the inefficiencies in the classic approach and conceives more relevant frameworks to understand informality. The purpose of this research is to help build the latter body of literature by situating the analysis of public markets within it.

## **2.2 Methodology**

The first part of this research will focus on building a complete literature review about informality. Relevant works that set the stage to understanding informality as a theoretical concept will be presented while pointing out those major attributes, characteristics and approaches that have been produced from the academic perspective.

The next part of the research will focus on presenting the theoretical framework that explains the use of formal and informal practices. Three major explanations to the hypotheses will be presented. 1) Pragmatic decision, 2) The tolerance of the state and 3) Social networks and the culture of non-compliance. The framework that explains the

imbrication of informal and formal practices backing the three hypotheses mentioned above will be presented in this section.

The third part of the research presents and explains the case study: public markets. The objective of this section is to present a clear picture about markets and to show the major findings of the literature around it. Moreover, the formal and informal practices inside the public markets in Mexico conducted by stakeholders will be identified, conflating theory and practice.

This thesis project will use secondary data. Secondary data is a type of data that has been published in books, newspapers, magazines, journals, online portals, among other sources (Hox and Boeije 2005, 594). The data collected earlier by other researchers can be used to other purposes different from its first intention. By virtue of being archived and made available, any type of primary information (firsthand information) can serve as secondary data (Hox and Boeije 2005, 596). The information already collected can be analyzed to generate new hypotheses, to answer new research questions or to answer a similar question to the original with an alternative perspective (Heaton 2003, 280).

All data collected will be used to outline and understand how informality and formality coexist, the roles these activities play in the daily life of the market and the reasons behind the use of one or the other. All the interactions, relationships and

mechanisms found will be presented, as will be the resulting conclusions about each of them.

### **3. Literature Review**

#### **3.1 Academic Approaches to Informality**

Informality in urban areas has been part of the daily life of cities in Latin America for centuries. However, it is only in recent times that this concept has been explored in depth (1970's) (Hart 1973). In Mexico, as in many other countries in Latin America, practices today referred as informal under the classic approach have been present and spread throughout societies since the pre-colonial era. Indeed, these 'informal' practices have existed since as early as the establishment of Aztec communities in central Mexico, almost seven hundred years ago. Since then and throughout our days, informality has played a significant role during the evolution of Mexico and its forming as a country (Lima 2015).

Informality is a challenging concept to define. In order to organize the existing literature on informality, the academic research will be categorized in two segments: 1) the classic approach and 2) the dynamic approach. The characteristics of each category will be defined below.

First of all, it is necessary to identify the origins of informality as informality appears only when legal frameworks are established. Without the existence of them, any practice was a practice of civil life without being considered either informal or formal. That is, before there were laws that categorized activities from an institutional perspective, any activity was not labeled and was simply the culture or a way of life of society.

In the past, studies like the ones led by Keith Harts (Recio Et al. 2017, 136) defined informality as an opposing concept to what was known as formality. This perspective considers informality in a dualistic manner (Hart 1973; Moser 1978; Castells and Portes 1989). This initial conceptualization (the classic approach) formed a categorical establishment of informality associated to the performance of what were known as bad practices, since it is associated with marginal economic activities for low-income segment of population (Banks 2019, 3) as opposed to formality, which is associated to the conduction of what were collectively referred as good practices. On the other hand, in the dynamic approach, formality and informality are acknowledged in a completely different nature as how the classical approach did. In this approach, these concepts coexist and the border between one concept and other is dynamic, it is not rigid nor permanent (Roy 2005, 148; Recio Et al. 2017, 138; Alfaro et al. 2018, 60; McFarlane 2012, 90). The dynamic approach will be used for the purpose of this research, which will be later defined more in dept. This approach was selected as it reflects better the reality of the public markets.

There are two major axes that define the unique characteristics of the classic approach and dynamic approach.

1) The state agency and regulation. The classic approach is an early response to the need of defining and categorizing all the activities around informality and formality. The classic approach asserted informality to be the result of the state's inability to provide a setting in which all practices are formal and regulated. Informality and its practices are therefore beyond the reach of government actions (Moser 1978, 1042). This view proposed that the state is unable to create all the formal structures that absorb all the practices conducted by the population as a consequence of urbanization, this can be understood due to the catalytic effect of the ongoing industrialization processes, which irreversibly energize urban development, thus increasing demand for workforce in urban centers. This demand is sourced from rural areas (Moser 1978, 1042). The relationship of informality with the state is set by a clear boundary. It is only where the reach of the state ends that informality can exist. In contrast, formality exists always within the jurisdiction of the state, inside its reach and boundaries. In addition, formality cannot exist beyond the reach of the state's control.

Informality exists in a context of weak institutional frameworks that operate under an inefficient bureaucratic apparatus. Regularization of such apparatus is not adequate as doing so is very expensive in terms of human effort and monetary resources.

Additionally, doing so would be very time consuming (Alfaro et al. 2018, 63). Formality is conceived as the set of policies coming from established institutions that order the functioning of society. In contrast, informality was considered the opposite. Informality is formed by all those non-regulated practices (Castells and Portes 1989, 13). According to this perspective, informal practices are also characterized as being spontaneous and unplanned activities (Castells and Portes 1989, 12).

2) The adoption and use per social segment criteria and the agency of low-income segment. Besides the structural approach, informality is also associated to socio demographic segmentation as classic research usually categorizes informality as a practice carried out exclusively by marginalized sectors of the population (Castells and Portes 1989, 13). The sovereignty of informal practices is exclusive to the low-income earning segment. The classic approach of informality relates formal practices to upper and middle-income segments of population while all informal practices are inherently associated with to low-income segments of population (Castells and Portes 1989, 13).

The agency the low-income segment of the population carries out is passive. This is, informality is the only option they have to conduct their activities, and they do not have the opportunity of choosing an alternative because “they are not actively seeking channels for personal action and personal choice” (Kane 1987, 415).

The whole context of informality in the global south can be traced back to the

early forming of its modern societies and the distribution of wealth. In the global south, cities continue to struggle with their colonial heritage, characterized by inequality. A small group of people possesses most of the wealth and enjoys the political and social privileges that come along with it, where the richest 1% of the population owns more than twice the wealth of 6.9 billion people (OXFAM 2020). This happens while most of the population must fend for themselves (Simone 2011, 267). Colonization is still an important element in the global south, because it helps understand the condition of modernity (Varley 2013, 6). Moser assumed that with the beginning of the modern era, informality would cease, population would prefer formal practices and that wealth would be redistributed through economic growth strategies (Moser 1978, 1043). However, this has not happened.

Unequal distribution of wealth is a breeding ground for informality because informality is a tool that helps accomplish redistribution (Crossa 2016, 291; Roy 2005, 155). Latin America is the region with the most unequal income distribution in the world, where most of the population cannot satisfy their basic needs through formal means (Holland 2017, 3). Informality is a response of the masses to satisfy their basic needs (Roy 2005, 148). For example, social networks such as grassroots organizations usually provide access to basic services that are not provided by the state or private institutions, normally through informal practices (Alfaro et al. 2018, 62). Informality, therefore, can be a way to reach wellbeing (McFarlane 2012, 91), and it is seen as pragmatic way to improve people's welfare (Holland 2017, 27).

Some authors started realizing the insufficiency of the classical approach to conceptualize the reality around formality and informality and started identifying the gaps between literature and real-life. These author's studies is what is referred to as dynamic approach. The dynamic approach has developed a new perspective to the subject matter, in which formality and informality are intricately related and interlaced (Roy 2005, 148; Recio Et al. 2017, 138; Alfaro et al. 2018, 60; McFarlane 2012, 90.) For instance, McFarlane (2012) documented this reality from the perspective of civil and government responses to catastrophes, using the case of the Mumbai flooding of 2005. He explored how in the common space of informal housing settlements, the response and relief to the catastrophe was served by both government agencies and civil initiatives. His argument is based upon the fact that both low-income and high-income segments use formal and informal practices depending on what they need. So, informality and formality are not mutually exclusive. Another way in which literature has understood the use of both practices in an imbricated way is by looking at its mechanics. Roy (2005) eliminates the labels of formal and informal practices as the way to understand the relationship of these concepts. She takes the imbrication to such a deep level that expresses that informality is not a separate concept to formality at all. She eliminates the categorization of each concept and understands that the mechanics of actions shape reality. "Informality is not a separated sector [from formality] but rather a series of transactions that connect different economies and spaces to another" (Roy 2005, 148).

The dynamic approach understands formality and informality as moving concepts

that change over time, influenced by the continuous construction of society (Banks 2019, 4). The two concepts are not fixed categories and are mixed (McFarlane 2012, 101; Varley 2013, 12). That is, practices that are similar could be categorized as formal under one perspective and informal under another one (Banks et al. 2019, 7). For example, in Mumbai, India, the government decided to use an arbitrary cut-off date to determine whether housing developments were considered formal or informal. In this case, if the developments were made before 1995 and in some specific cases before 2000, then they were considered informal. The same illegal suburban developments are considered formal by being given a legal status under a planning methodology (if the houses were built after 1995 or 2000 in some cases) and in contrast the same developments, that just happened to be built before 1995 were categorized as informal and were therefore designated to be demolished (McFarlane 2012, 92). This case demonstrates the impossibility of drawing clear lines of what is formal and informal in practice and therefore, this indicates that we should theorize the practices of formality and informality as dynamic.

Typically, for both the elite and the subaltern groups, complying with formality requires filing a certain amount of paperwork or dealing with some form of bureaucracy, in the optic that established institutions regulate and validate compliance with the law through fixed, standard processes (Banks et al. 2019, 3). Informality on the other hand, is simpler in nature as its practice does not require contracts or any other type of document other than verbal agreement to be executed, it offers a flexibility in terms of the processes to be conducted and is customizable to every situation. People often

choose informal practices and mechanisms to maximize their profits and avoid high transactional costs in the form of both time and money (Banks et al. 2019, 3). For example, informal banking eliminates some transaction costs as there are no registration, management or withdrawal fees, it does not have to occur in a particular location and is customizable. This is a result of the inexistence of additional costs associated to running or registering, for example, to rotating saving and credit associations (an informal financial mechanism) (Molina 2019).

Low friction and lower transaction costs make informal practices seem more efficient and appealing. However they are systematically discounted by the state since the institutional objective is to achieve formality in all societal practices. There is an inherited conception of informality as something polluting and contaminating. On the contrary, everything around formal is sanitised and aesthetic (McFarlane 2012, 93). This attitude towards formality results in an implicit comparison with global north cities, which are considered role models, since these cities are predominantly more formal. Indeed, such cities are considered as the leading example of organization, neatness and as being places with the best facilities and services resulting from the highest levels of formality (Recio et al. 2017, 138; Varley 2013, 5). However, these cities also have high levels of informality (Marx and Keling 2019, 504). For instance, all Southern European cities appear to show heavy informal activity, where between 37% and 53% of the economically active and marginally attached population are working informally (Hazans 2011, 12). Furthermore, over 30 million people live in Europe's urban slums, often with little to no access to water or electricity. Slums dwellers range from members of ethnic

minorities to victims of the financial crisis (Hasrat-Nazimi 2014). In spite of this, cities in the Global North are still viewed as role models, superior to those in the Global South. This perceived superiority creates a prejudice towards cities that does not follow such standards in the developing world and about how they interact with informality (Palat 2019, 84). This condition creates a dichotomy between the West and the 'Non-West', where the Non-West will be always tied and compared to the West (Marx and Keling 2019, 496).

In relation to the two major axes already mentioned that contextualize the differences between the classic approach and the dynamic approach, the elements that concern the dynamic approach will be presented.

1) The state agency and regulation. The classic approach proposes that it is the state that fails to formalize practices. Contrary to this stance, the dynamic approach authors indicate that the state is an active agent in informality (Banks et al. 2019; Alfaro et al. 2018, 60; Roy 2009, 84), as the state strategically decides what practices are to be categorized as formal or informal. The state is aware of informal practices within its jurisdiction and in cases it is the same state that even fosters informality, as it serves as a tool to reduce costs and bureaucratic architecture (Banks et al. 2019,6). The state has the legal apparatus and power to determine what is considered informal and what is not, what kind of informality will prosper and what type will disappear, based on the specific interests of the administration in charge (Roy 2005, 149; Simone 2011, 266; Alfaro et al.

2018, 60; Banks et al. 2019,6; Varley 2013, 5; McFarlane 2012, 91). This can be illustrated by the aforementioned case of property development in Mumbai, as the same practice can be categorized as formal or informal (Holland 2017, 197). There is a selective decision of when to promote or cease informality or even when to sanction it (Holland 2017, 38). There are not fixed criteria to determine what to label as formal and what as informal (Alfaro et al. 2018, 60). Finally, in some cases where the state decides to coexist with such practices, the same state establishes the formal rules but as they are poorly enforced, they are easily violated (Banks et al. 2019, 11).

Informality is so impactful that informal practices often function as substitutes for achieving basic welfare, formally provided by the state (Holland 2017, 26). The government tolerates and sometimes even fosters informality as an informal welfare that sometimes surpasses the government social expenditure magnitude. This allows it to save money in social programs and reduce some of its responsibilities towards the population (Holland 2017, 1). It is forbearance (weak enforcement of laws and regulations) towards informality what has shaped long-run welfare state development in Latin America. “Downward redistribution happens by the state’s absence, rather than through the state’s hand” (Holland 2017, 11). For example, through the tolerance of informal housing, the state does not have to provide shelter to those who live in such settlements and neither does it have to invest money to improve housing conditions. In addition, tolerance of informal housing is less economically and politically costly for the state, as it does not have to spend of its own resources (Garcia 2019, 490; Cheng 2014, 66). Because forbearance entails less taxation than formal redistribution, agents have

come to prefer it (Brinks et al. 2019, 3).

In addition, informality can even serve as a tool for achieving or distributing power, used specifically with that purpose by agents and even the state. Examples of the use of informality by the state are the clientelism practices in the frame of election processes. Under these circumstances, an unofficial exchange of favours takes place, in which the holders of political positions regulate the granting of benefits such as allowing informal housing, granted directly from their public function or related contacts, in exchange for electoral support (Roy 2009, 85).

The dynamic approach proposes that informal practices can also be regulated in the same way that formal practices are. This is, many informal practices can be controlled under certain rules that govern informal practices to an extent. There is an intentional, well-organized and planned action (Roy 2009, 82; Varley 2013, 8; McFarlane 2012, 91). For instance, Varley (2013) demonstrates how even land invasions are often well organized. The invaded properties are well delimited and some of them are empty until someone requires it. In addition, houses are built as needed (Varley 2013, 8). Informality is regulated but the rules are not defined by the state nor an institution as is the case in formal practices. Those who carry out the informal practice set this regulation (Banks et al. 2019, 4).

2) The adoption and use per social segment criteria and the agency of low-

income segment. The dynamic approach suggests that informality is not a mechanism used exclusively by the lower income segment of the population. (Roy 2009; Roy 2005, 149; Alfaro et al. 2018, 61; Banks et al. 2019, 4; Varley 2013, 17) Middle- and upper-income segments of the population engage in informal practices, but contrary to when informality is performed by lower-income segments, when middle and upper-income segments of the population engage in informal practices, they can create more exclusion (Alfaro et al. 2018, 61).

Gentrification is an example of this situation. Big housing developers build in non-authorized construction zones where slums and illegal settlements coexist. Such developers use informal practices (bribes, corruption) to modify the regulations, expedite their interest and eventually to build in such zones, a high profit margin deal for them. The properties are legally owned and sold, despite coexisting in areas where property titles are not issued. The increased housing, services and transportation demands in the zones derived from these real estate developments ends off increasing substantially the cost of living in the zone not only for the newcomers but also for the originally established communities in the zones. This situation can even force them to relocate to further away lands where the cost of living is similar or lower than what it was before the initial real estate developments arrived to their original settlements (Alfaro et al. 2018, 61; McFarlane 2012, 92). This situation exemplifies how formality and informality are a continuum practiced by both the powerful and the powerless to gain advantages or to cope with disadvantage respectively (Banks et al. 2019, 2). However, informality can deepen inequality. Informal practices, when exercised by the upper income segment of

the population, are enhanced by the access to more financial, social and political resources (Alfaro et al. 2018, 61). Informality follows a class-based logic, in which the wealthier are better-connected members of the society and can evade the reach of a standoffish state, leaving the poor more vulnerable (Brinks et al. 2019, 21). In this way the source of exclusion and inequality is the unequal income growth rate that increases the distribution of wealth gap. In the Mexican case, the richest one percent keeps 21.3 percent of the total income of individuals in Mexico, with an average annual income of more than 1.9 million pesos; while the highest 0.01% of the distribution annually enters about 30.5 million pesos (Brown 2017).

Informality has also a high component of perception affecting its acceptance and spread in society that relates to the social position of the individuals or groups conducting informal practices. There is usually a veil of disdain when low-income segments exercise informality (Varley 2013, 8; Banks et al. 2019, 4). For example, a notorious case is the one of the illegally built shopping malls in Mumbai. These malls, built illegally by the mafia, are no less illegal than the housing slums built in the same area. Slums are designated as 'nuisances' and their residents are considered as second category citizens, while shopping malls are legitimized as they have the 'world-class look' and their owners have the resources to control their legitimacy (Roy 2011, 233). There is no single formula on how this is done but most of the time this 'legitimacy' involves the use of violence, power and money, among others (Roy 2011, 233). These cases show enough evidence to break the paradigm presented by the classic approach that stated that only marginal social groups and marginal places are the stages where informality appears (Palat 2019, 85). This evidence also creates the concern to

understand how the benefits of informality are distributed between lower income segments and higher income segments, as the later have the advantage of political and financial power and resources to accomplish their objectives (Alfaro et al. 2018, 61).

People make their way to the benefits of informality and make it possible with or without government authorization or involvement (Simone 2011, 267). Classic studies state that the low-income segment of the population has no agency about their actions, thus are not interested in looking for alternatives that would result in active personal choice. They are, therefore, passive individuals who do not have the possibility of deciding over their actions (Kane 1987,415). However, the dynamic approach has demonstrated that individuals have the capacity to adjust their behavior according to government policies, which they exercise to make conscious and rational decisions (Recio et al. 2017, 138). Because the low-income segment of the population is excluded from formality (tax payments, voting, formal housing utilities), it may seem that they are passive groups. But they are not passive groups who do not take actions to protect themselves. On the contrary, there is an agency from the low-income population segment to establish and protect their lives, their settlements, their employment and more. This is done through informal practices because when using formal mechanisms, it is impossible for them to obtain the results they seek. (Banks et al. 2019, 7). For example, low-skilled workers normally find that the compensation of formal jobs they are suited for do not compensate the greater flexibility and higher income they can achieve as informal workers (Perry et al. 2007, 2). On the other hand, some lower-paid jobs offer them health access so individuals might even choose the circumstances in which they

take a formal or an informal position. Individuals decide intentionally to engage in informal practices because they see more benefits from informality than from formality (McFarlane 2012, 93). The low-income segment of population can even construct their own channel, completely disengaged from the state, since the state does not provide solutions to their problems (such as employment). This channel allows them the option to exist autonomously, to be “invisible” to the state and therefore avoid its regulation. This complex channel is an option that the population takes advantage of to survive (Lindell 2010, 5). Through their individual daily informal actions, the low-income population segments not only resist unfavorable circumstances but also gradually conquer new spaces from dominant groups and undermine the capacity of the state to exercise surveillance (Lindell 2010, 24). Bayat calls it a “quiet encroachment of the ordinary,” to refer to “the silent, protracted, but pervasive advancement of ordinary people in relation to the propertied and the powerful” (Lindell 2010, 5).

However, there is a key critique to the dynamic approach, which is that there seems to be an idealization of informality (Alfaro et al. 2018, 64). It is necessary to be cautious about this stance because it might foster the perpetuation of practices that are sometimes conducted in precarious environments. This encourages individuals to continue engaging in informal practices without looking for mechanisms that could improve the benefits of such practices. In addition, this approach can legitimize non-interventionist tendencies from local administrations (Alfaro et al. 2018, 64). Informality is not the perfect solution for marginal groups to survive (Banks et al. 2019, 8). It may harm collective rights and leave individuals vulnerable to exploitation (Holland 2017, 36).

Informality is also seen as a resistance strategy because it serves as a way of resolving basic needs such as housing, employment and utilities in an environment where they would not be able to obtain such benefits in any other formal or established process. There is a need for this resistance, as the formal system does not provide an alternative for them. Even if they actively pursued the formal alternative to fulfill these needs, the individuals do not fulfill any of the requisites to engage in formal activities considering their regulatory circumstances (informal jobs, housing, etc). In the other hand, this conception also romanticizes the tough conditions and life experiences derived from informality. For example: evaluating slums as practices of resistance romanticizes it at the expense of a more objective assessment of the material limitations that the urban poor face, and the resources they use to tackle those constraints (Varley 2013, 16).

In order to eliminate informality (from the perspective of classic approach) in some cases informal settlements are often subject of government initiatives that have as a purpose to accelerate their process of formalization (Varley 2013, 8). However, these programs usually do not result in long-term solutions because they do not attack the root of the causes informal housing. For example, one of the most aggressive programs set up by the government of Mexico City is the yearly “Jornada Notarial” (“Notary Week”). During this week, the government of Mexico City, in alliance with local notaries, offers heavily discounted rates to incentivize the population to conduct several processes around formalization. Services and processes offered during this program are the creation of a will and the regularization of informal housing, among others (CEJUR 2020). Despite being one of the leading formalization initiatives of the city’s government

year after year, this program reaches only around 3% of the total informal settlements (Real Estate Market 2017; INEGI 2015). This reach, however, does not necessarily mean a real formalization as these figures only show how many legal advices have been provided concerning informal housing cases and not the number of resolved or formalized cases.

In addition to these campaigns, there are other actions taken by the government to revitalize the cities, usually aesthetic in nature, such as lighting, outdoors gyms, improvement of parks, house-painting programs that seek to ameliorate informal practices (Roy 2005, 150). However, other dimensions such as insecurity levels, do not improve. For example, favelas in Rio de Janeiro have had physical improvements such as pouring asphalt in unpaved streets, with the financing of the Inter-American Development Bank. However, other dimensions with higher life quality impact such as insecurity levels have not improved. The favelas have been taken over by international drug cartels, worsening the violence and insecurity conditions (Roy 2005, 150). Despite upgrading may be well intended in origin, it can have strong limitations if it is not accompanied by other upgrades of the community livelihood such as favoring the conditions for the creation of more jobs with better conditions, taking actions to reduce insecurity levels, among other actions (Roy 2005, 150). Upgrading is a superficial improvement that seems functional and is highly visible, but the improvements are not reflected in the quality of life (Roy 2005, 150). Government invests in upgrading programs to improve informal settlements, however it should fund programs that promote formal affordable housing with all the services required (Holland 2017, 117).

Considering all this, a better approach is not to eliminate informality but to understand it from the dynamic approach and to fight inequality, as informality results from structural inequalities (Mcfarlane 2012, 91). Inequality is the cause of reduced access to services such as tapped drinkable water; the labor market or capital markets, thus fostering informality (Roy 2005, 153). This argument was extended further by Perlman's (1976), who did research in Brazilian favelas, suggesting that urban informality reflected a process of marginalization which directly benefited dominant political and economic classes. Building on this, later work has contended that a primary cause of urban informality is the formulation and enforcement of inappropriate laws and regulations, which criminalize the efforts of poor people to house and to employ themselves. This resonates with a conception of informality "understood not as the object of state regulation but rather as produced by the state itself" (Roy 2005, 149). However, it is usually only the forms of informality employed by the poor that are criminalized, reflecting and reproducing an "uneven geography of spatial value" (Lombard 2019, 571).

As it has been shown, there is a clear difference on how formality and informality have been studied within the two approaches provided. In the classic academic approach to informality and formality was drawn from the perspective of good and bad practices and from a dualistic, contrasting approach with clear and fixed differences between them. In the dynamic approach redefines these concepts as the imbrication of practices, where the lines differentiating one from the other are blurry and changing.

This research project critiques the existing literature in how formality and informality have been studied when it comes to the case studies. For example, in both classic and dynamic academic approaches, street vending (Crossa 2016) and squatting (Roy 2005, 2009) are the main case studies that different authors use to anchor their arguments about formality and informality. However, despite being an especially important place in which informal and formal practices coexist, there is a lack of studies about public markets when it comes to formal and informal academic research. That is why this research intends to participate in narrowing this gap in the literature.

After comparing the existing literature about formal and informal practices and once defining the gap in the academic research, it is important to define what is understood as formal and informal in the context of this research project. For instance, informality will be understood as those practices, accepted by both the society and the state, that are not regulated by any government institution or those prohibited or restricted practices, institutionally regulated, but which are conducted under collective acceptance. Inversely, formality will be understood as all those practices which are also accepted by both the society and the state but that are regulated, enforced or permitted by the government authorities. For this purpose, the socio-economic class to which the individual who performs the practice belongs will not be relevant.

In conclusion, there is an evident research opportunity when it comes to the

imbrication of the formal and informal in public markets. This topic is of research relevance because achieving an understanding of this space is an essential step towards reducing inequality and improving the functional structure of society. For instance, such understanding is the raw material for developing better public policies, among other applications.

#### **4. Theoretical Framework**

In the context of public markets, there are different theories that can explain why people prefer formality or informality. Concurrent with the proposed hypotheses, there are three major reasons behind this activity selection. 1) Pragmatic decision, 2) The tolerance of the state and 3) Social networks and the culture of non-compliance.

##### **4.1 First Explanation: Pragmatic decision**

The first reason to answer the question is from a perspective of a pragmatic decision. Literature states that the pragmatic decision for informality can be defined as the condition when subscribing to formality within the legal and regulatory framework of an authority, institution or country is greater than the benefits than remaining in informality entails (Loayza 2008, 50). It is only when this condition is not met that informality appears. In informality, the regulatory framework and other circumstances are “costs” that individuals pay, either in terms of money, time, or opportunity costs.

Formality therefore not only conveys intrinsic costs, as it requires engaging in long, complex and costly processes only to enter into it, but also carries subscription or maintenance costs for remaining in it, such as tax payments, compliance with regulations, environmental management, health requirements, labor benefits, among other institutional requisites (Loayza 2008, 50; Perry et al. 2007, 2).

This is from the perspective of costs. However, the other side of the equation is about which net benefits can be obtained from the adherence to formality and how valuable are such benefits for the individuals, groups or organizations. For resolving this, the main question is which are the benefits and services provided by the state and how able is the state to enforce regulations (Perry et al. 2007, 2). In principle, some of the main benefits of adherence to formality are the police protection against crime and abuse, the protection of private property, support from the judicial system for conflict resolution and to promote private contracts enforcement, access to formal financial institutions for access to credit and risk diversification and, more broadly, the possibility of expanding to both local and international markets. This adherence to formality also eliminates, at least in principle, the need to pay bribes, fines and fees to which individuals or companies operating informally are often exposed (Perry et al. 2007, 10). Finally, formality also offers social protection, pension, protection against health problems for their families and other types of adverse shocks (Perry et al. 2007, 173).

Under this light, the real question is how reliable the state is to provide these

services that individuals and organizations are paying for when they accept to engage in formality and to pay the entering and subscription costs. In this context, informal practices and rejection of formal adherence is therefore predominant where the legal and regulatory framework is oppressive, where the services offered by the government are not of high quality, unreliable or not enforced and where the presence and control of the state is weak (Loayza 2008, 50). The selection of informality also derives from the laxity of rule enforcement and the reduced risk of punishment or prosecution when breaking the regulations. This also tilts the decision towards choosing informal practices as the negative consequences of this selection seem unlikely to happen and the perceived benefits are higher (Maloney 2004, 1173).

Literature approaches to pragmatic decision-making processes spin around the Theory of Rational Choice. This theory is a general perspective theory within human behavior sciences in the context of all kinds of social situations (Vidal 2008, 222). The theory proposes a framework that helps explain the decision-making processes in which individuals choose an option among multiple alternatives offered<sup>2</sup> (Vidal 2008, 224). These decisions are instrumental actions, rational decisions, based on available and ready information<sup>3</sup> about the possible alternatives (Vidal 2008, 226). When an agent chooses a course of action from a set of possible actions, the agent is expressing a belief. The agent believes that by choosing the selected alternative, he or she can

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<sup>2</sup> For the purpose of this investigation, the alternatives could be: informality versus formality

<sup>3</sup> It should be noted that the information on the alternatives may be false or biased and limited (Rivero 2009, 41)

achieve what he or she wants in the most efficient way or because by doing that selection, the expected individual utility is maximized (Abitbol and Botero 2005, 135).

The definition of utility is the achievement of the maximum pleasure or minimum pain as possible. The principle of utility is a concept that explains that the intention of any decision is to achieve as most utility as possible (Rivero 2009, 28). For an agent, pragmatic choice is the process in which maximum utility is looked for and obtained by selecting the option that represents the lowest cost and the greatest benefit to achieve his or her objectives (Rivero 2009, 34). The decision-making process is motivated and influenced by self-interest. However, this decision-making process to achieve maximum utility is influenced by external factors as it happens within the frame of a larger, more complex set of motives influencing human behavior such as social class, geographical location, gender, the place where it is consumed and produced, religion, among other elements (Vidal 2008, 227; Rivero 2009, 57).

It has been shown that choosing informal practices can often be the optimal and pragmatic choice for individuals given their preferences, background and specific circumstances such as the constraints they face in terms of their level of human capital, and the level of formal sector labor productivity in the country (Maloney 2004, 1160). Informal labor is common practice in which people engage into pragmatic decision-making, despite suboptimal job conditions in some positions, some people choose to take these jobs because such positions still offer some benefits. For instance, such

positions are usually flexible in hours, are relatively easy to get, are usually available nearby their homes, do not require any type of preparation, education or training and because working at such positions gives the employees the flexibility required to take a position, leave it if needed and take it back as they want; it is a position that allows young individuals to earn money at an early age and still have enough time to do other things (Tello 2018, 107). Workers choose informality because it may offer measures of dignity and autonomy that the formal jobs do not provide (Maloney 2004, 1173). For example: women with children often prefer to be informally self-employed rather than have a job in the formal sector, because informality gives them the flexibility they need to balance their work responsibilities with their household responsibilities (Perry et al. 2007, 60-61).

In addition, and as it was mentioned before, formality entails benefits but sometimes their procedures are costly in terms of time and monetary resources required to conduct them. The heavy regulated processes create fertile conditions for public officials to be bribed with the objective of speeding up paperwork or processes (Carrillo 2014). For example: in the Mexican case, the three levels of government (federal, state, and municipal) have powers to issue rules, permits, and licenses, among other procedures. As a consequence, there are approximately 150 thousand regulations in use, of which 60% correspond to municipalities, 30% to states and 10% to the federal government. This heavy regulation scheme generates an over-regulation (IMCO 2017). Complicated regulatory framework is an incentive for individuals and organizations to act

informally. Even large companies prefer to incur in certain informal practices instead of adhering to the regulatory framework to reduce their tax burdens and avoid excessive regulatory processes (Perry Et al. 2007, 2).

On another note, the state tolerates informality not only when it comes to the interests of the individuals but mostly when it comes to the state's interests as well or when it is more cost-effective to tolerate informality than to bring those practices into formality. There are cases in which breaching the law is a practice that is accepted by the state across multiple institutions. For instance, tolerance to informality can be also used as a tool to win over the sympathy of individuals or groups (Holland 2017, 48).

#### **4.2 Second Explanation: The Tolerance of the State for Informal Practices**

The second reason to answer the question is from a perspective of tolerance of the state. The state through its actions or inactions enables informality (Banks et al. 2019, Roy 2005, Roy 200). For instance, the permission principle, according to which "what is not prohibited by law then means that it is permitted" (Iturralde 1998, 187), makes informality possible since some informal practices are characterized by acting in legal or regulatory gaps and voids, such as the exchange of positions for political loyalty (Navarrete 2016, 287). Which means that an ambiguous regulation or certain legal loopholes demonstrate the tolerance of informality by the state.

In addition, weakness of the government institutions is a factor that explains the lack of adherence to formal regulations and therefore the use of informality. Weak institutions are those in which 1) enforcement of the rules is low, or there exists broad de facto discretion with respect to their application; and 2) institutional durability is low, in that formal rules change repeatedly, rarely surviving fluctuations in the distribution of power and of preferences (Levitsky and Murillo). The strength of institutions depends on producing an outcome that is substantially different from what might have observed in its absence and in that these outcomes continues to be produced even in the face of pressures to change it or avoid altogether (Brinks et al. 2019, 53). The persistence of institutional weakness in Latin America is rooted in economic and political conditions that have long afflicted the region: state weakness, high socioeconomic inequality, and economic and political volatility (Brinks et al. 2019, 52).

Besides weak institutions, there is a peculiarity in the way in which some municipalities in Mexico and within Mexico City are regulated, the uses and customs self-regulation process, conceived under the Federal law. This process allows for some municipalities to define their own conflict resolution mechanisms, their own regulatory process and other considerations granted by the federal government provided their native indigenous nature. This form of regulation is not extensive and only covers certain dimensions of the civil life (Article 2 of the Mexican Constitution).

The figure of uses and customs is intended from its design to serve those indigenous groups and ethnicities with deep cultural roots that govern their communities the same way today as they did in ancestral times. This form of government allows for such communities to govern themselves in their unique way, including practices that might or might not align with the state's norms and regulations. This misalignment has been a source of controversy as some practices conducted by the communities under the uses and customs form are opposite to the state's regulatory framework (Gamboa and Valdés 2018, 6). On the other hand, the way in which indigenous groups govern themselves is an expression of their millenary ancestry and adjusting to forms of government other than their own would be a loss of identity. Therefore, these communities enforce the recognition of their uses and customs not only at the national level but also internationally, in such a way that their uses and customs regulation is a way to prevent losing the identity and traditions of these indigenous groups (Gamboa and Valdés 2018, 6).

The uses and customs form provides an interesting approach to informality. They are respected and recognized as the regulatory framework, so they become the "formal" authority. In such cases, it is to be considered that even the norms enforced by municipal or city authorities, which are beyond the uses and customs regulations, become the informal practice to the eyes of the indigenous community (Marx and Kelling 2019, 500). This consideration breaks the paradigm that formality is what comes from government institutions. Both legal systems co-exist despite laws can be operated and transformed and change from being considered formal" to informal and vice-versa (Marx

and Kelling 2019, 500).

Moreover, tolerance to informality can also become a powerful resource to influence and manage groups. Groups operating on informality understand that they are vulnerable, and their informal activities and resources do not benefit from institutional protection, support and defense, as is the case with formal activities. For such reason, informal groups understand that their vote is a key resource that they trade to the highest bidder in exchange of protection, support and defense for their informal activities. This dynamic inherently places informality in Latin America very closely related to organized political affiliations, establishing a symbiotic relationship between the state and those ones who practice informality (AISayyad 2004, 14). For example, land invasion is most likely to occur or be encouraged under conditions of political change (election times) (AISayyad 2004, 14).

#### **4.3 Third Reason: Social Networks and the Culture of Non-compliance**

The ruling perception of the Mexican state among the opinion of individuals is that it governs not for the population's benefit but for the one of the elites (Animal Politico 2017). This perception promotes and reinforces a social norm that is understood as a general acceptance of non-compliance with the regulation and laws, provided that such rules were not set-in place for the benefit of the general population but rather for the privileged classes. This line of thought can be called a "culture of informality" (Perry et

al. 2007, 14). This culture of informality does not appear with the modern state, though. In Latin America, such culture traces back to the times of the Spanish and Portuguese colonies (Rodriguez 2011, 161). During those times, it was evident that all rules and formal government structures put in place considered the general population's interest in the lower priorities. In addition, when compared with other forms of regulations and norms such as the religious, social, or family values, the regulation of the state is considered to convey less important norms (Rodriguez 2011, 162). Informality can become so normalized that it becomes the ruling order and regulation for the societies in which it is used. In general, the society does not perceive non-compliance practices as criminal, not even as disturbances of order (Fariñas 2011, 187).

Additionally, from the legal context, informality is usually understood as those activities that are de facto outside the scope of the norm, but it is also a question of governance. This is, the ability to apply existing legislation. Therefore, the institutional context and the capacity of the institutions are of paramount importance, since they are the main mechanism for delimiting norms and conflict resolution of civil life in society. Adequate rules and regulations do not serve without honest, strong and effective institutions to enforce them (Amador et al. 2019, 366). Institutions are the main mechanism for the delimitation of norms and conflict resolution of life in society, so trust in them is essential for democratic stability (Pérez and Tapia 2018, 99). In México, civil society historically has low confidence<sup>4</sup> in the main institutional agents who enforce and establish the law such as political parties, deputies, senators, and the police (Mitofsky

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<sup>4</sup> Confidence in institutions is a methodological approach to evaluate and to know the degree of influence and credibility that society has towards an institution (Parametria 2013).

2020). This is mostly because of the high number of cases of impunity and corruption and because the political system is seen as a source of personal benefits for the individuals holding positions in such systems and the elite (Tronco 2012, 230). Most of the population usually has a low confidence in these institutions. The perception of impunity creates an expectation among the individuals in a society that breaching the law usually does not have any consequence and that the chances of punishment are quite low. There is not an overall fear for the risk of corrective sanction (Carrillo 2014).

Most Mexicans consider that the government itself is the first one to break the law and that the government applies it in a discretionary manner. For the general public's opinion, the problem is not a matter of having a correct legal framework, but of how rules and laws are consistently misapplied and the absence of ethical principles from the authorities (Parametria 2013).

Confidence or trust is an important element in society since it generates social capital, which allows all types of institutions, ranging from the family core to a government institution, to function and develop properly. Social capital is defined by Putnam as the elements of social organization, such as trust, norms and networks that establish reciprocal relationships. "Such networks facilitate coordination and communication allowing dilemmas of collective action to be resolved" (Putnam 1995, 67).

Individuals under the culture of informality have found a way to substitute benefits

from the adherence to formality (health care, property protection or services) by building and strengthening their social networks as they can serve as forms of insurance against any risk (Maloney 2004, 1168). In these cases, individuals can access to support sources in cases of crisis or when in need of some service or favor through their social networks, despite sometimes individuals might have limited economic resources (Asare and Kira 2016, 1). The collaborative support and protection is seen as a shared responsibility of all parts of the social network (Asare and Kira 2016, 15). For this reason, individuals optimize their investment in building informal social networks having in mind a view of long-run returns broadly conceived (Maloney 2004, 1166). Tough this might seem an effective mechanism, it is very important to acknowledge that in the developing world such protection instruments are frequently inefficient, with quite aggressive terms and conditions and of poor quality (Maloney 2004, 1173).

## **5. Public Market: A Case study**

### **5.1 Historical crafting and dynamics of public markets in Mexico from Early days to the current era**

#### **5.1.1 History**

Public markets have been one of the main trading centers for perishable goods since pre-Hispanic times. They carry certain features from those times into the contemporary Mexican culture. Nowadays, public markets are still important spaces for social revitalization and contain a representative set of the regional environment. They are microcosms that exhibit in a compressed way the economy of the area and the local way of life (Licona 2014, 142).

Public markets can also be categorized depending on their mobility. The first type of market is mobile and itinerant. This type of market is established on a rotating basis, taking place in a different, fixed location every day of the week or on a per a season basis (Christmas, Back to school, Easter etc). This form of public market does not have permanent infrastructure or services and usually affects the transit of vehicles while it operates. This market usually is named 'tianguis'.<sup>5</sup> The second type of market is of a more permanent nature. This type of market operates daily in the same location and has permanent infrastructure and services including electricity, water supply access and sanitary services (Delgado 2015, 22; Bromley and Symanski 1974, 3). The latter type of public markets will be the focus for the purpose of this research project.

#### 5.1.2 Pre-colonial era (1325-1521)

Since pre-Hispanic times, markets have been important centers of encounter and commercialization (Villegas 2010, 93). The trading centers were conglomerates of street stalls (El Universal 2017). In the early days, the markets were street stalls where any type of merchandise could be exchanged (Villegas 2010, 93). The exchange of products between communities was essential (El Universal 2017).

In Aztec communities, the earliest complex civilization established in central Mexico, the items exchanged among the individuals were goods ranging from products

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<sup>5</sup> In Mexico such space is known as Tianguis, a name derived from the Nahuatl word tianquiztli (Molina and Campos 2016, 274)

to meet basic needs to luxury products such as jewelry and fine stones. The first objects of exchange in these places were the feathers of precious birds (such as the Quetzal) of green or red color. This activity was increasingly popular and required managers or heads of commerce, called *cozmatzin* and *tzompantzin*, who represented the authority in these places (El Universal 2017). The merchant at that time was known as *Pochtecatl* (Delgado 2015, 39) who offered both local products and products brought from abroad (Molina and Campos 2016, 274). The *pochtecatls* had very clear rules between customers and vendors, as they were judges and guards who passed between the lines to make sure that everything was fine in this large square. There was a house that served as a place for audience, where ten or twelve people were always sitting in charge of punishing criminals or scam sellers (El Universal 2017).

The payment of the products was conducted through cocoa beans that were exchanged for other items. Men and women met in the stalls and exhibited the vegetables, fruits or meat on mats or baskets (El Universal 2017).

### 5.1.3 Colonial era (1521-1821)

With the arrival of the Spaniards in Latin America, the advantage of having large gatherings of people around the market stalls was not overlooked. Thus, churches and other important administrative buildings were built next to the markets (Villegas 2010, 93; Seño 2013, 132). The market, therefore, did not only fulfill an economic function, but also a social function (Seño 2013, 134). Although, during the Spanish rule, the

organization of the markets remained almost the same, as they agreed to leave trade in the hands of the indigenous people and allowed the continuity of bartering (El informador 2011). The Spanish administration took a series of measures to improve health conditions in large urban centers, from the construction of cemeteries to the construction of brand-new markets. In this way, trade was centralized in an efficient manner and regulations facilitated the control of production and the control of taxes (Seño 2013, 132). As a novelty to regulate sales in the markets, the Spanish scales and measures were introduced; something to which the indigenous people quickly got used to. Market days were also adjusted to the Christian calendar, fixing weekly operational periods instead of every twenty days, as marked by the pre-Hispanic calendar (El informador 2011). Markets started to become more organized and even started having fixed sections of goods depending on the category: Fruits, plants, candy, cloth, etc. (Delgado 2015, 49).

#### 5.1.4 Period between the Independence war and the Mexican Revolution (1821-1910)

During the independence war there were not many changes in the structure of the markets. The construction of new markets halted and it was until 1850 when a new market was inaugurated, the one called San Juan de Iturbide. Thirteen years later, La Merced market was built, and a few years later it was remodeled as part of a government campaign for market modernization (INAH 2010). As a consequence of the Mexican Revolution, the expansion of the markets was stopped again, because many producers and merchants joined the armed struggle, creating a shortage of products

and money (INAH 2010).

#### 5.1.5 Modern era (1910-present)

Public markets in their current form include cultural features that evidence the history that has shaped them since their origins. Archaeological evidence shows that since their earlier forms, pre-Hispanic public markets included altars of one or many of the gods (Delgado 2015, 68). This is a feature that has prevailed and is still present in current day public markets as almost all contain a space devoted to a saint or virgin. In addition, some modern public markets are in the exact same places where the pre-Hispanic markets were established (Arellanes and Casas 2011, 95). Some cultural practices such as barter have also prevailed from centuries ago and are still in use in the current public markets (Molina and Campos 2016, 276).

The historical heritage is only one of the reasons behind the deep penetration of public markets in everyday life for Mexico City inhabitants. On average 21.7% of the population in the metropolitan area in Mexico City visits and purchases every day in a public market- including different urban and socio-spatial contexts (Garza-Bueno 2013, 699-700). As evidenced, a significant percentage of the population continues consuming products from the public market in general terms, and in the case of the low to medium-low strata, it represents up to 40% (Garza-Bueno 2013, 700). Public markets of Mexico City supply 46% of the basic foods that the inhabitants of Mexico City consume daily (Delgadillo 2016, 60). Public markets have a wide distribution throughout the city and

favour access to the poor, since they rely on the goods provided by the markets (Harner 2007, 47). Public markets stalls are built by the state, using public funds. Therefore, the state plays a direct role in the provision of basic good and creating and maintaining the spaces where foodstuffs are distributed to citizens (Harner 2007, 39).

The 20th century was a defining period for markets in Mexico City. More specifically during the management of Ernesto Uruchurtu, the city governor who was in charge of the department of Mexico City for 14 years (from 1952 to 1966). He and his administration planned and executed the construction of modern markets throughout the city with the emphasis on urban rearrangement (Delgado 2015, 65). Besides functionality, the purpose was to conduct a deep aesthetic regeneration as a central element of urban renewal (Cossa 2013, 39.) In total, he managed to build 180 public markets with washing areas, warehouses, bathrooms, and places where garbage could be concentrated (Delgado 2015, 66). Such advancement of new market infrastructure has never been achieved ever again (Cross 1996, 100). At the end of the project in 1970, street vendors were relocated to fixed spaces specifically purposed for becoming a public market (the market building and land remained a government property). Although several markets have been built to relocate street vendors, it is not always possible to relocate them all. The remaining street vendors continue to sell on the streets (often close to markets) and sometimes even within the markets, without any authorization (Delgadillo 2016, 62; Zetina 2015, 83).

There are several differences to be highlighted between street vendors and public markets. The main difference between them is that vendors operating within a public market are formally recognized and managed by the municipality. Vendors are signed up into the market directory, they are assigned a stall, their product offering is controlled by the market authority as they can only sell products that comply with their registered line of business; a license to sell is provided (articles 5 and 28 of the Market Regulation for the Federal District of 1951) and they must pay a use of land tax (Arellanes and Casa 2011, 98); whereas street vendors are informal traders that operate in public spaces (Saldarriaga et al. 2016, 164). However, both categories of vendors can be seen interacting in shared spaces.

During and after the Uruchurtu era, many street vendors were brought into formality (Cross 1996; Porter et al. 2011, 142). Approximately 55,000 (Cross 1996, 98) out of an estimated of 270,000 street vendors (INEGI 1960; Puyana and Romero 2013, 154) were relocated to permanent building markets, though many times the use of violent and aggressive methods was the reason behind it (Cross 1996, 98). The ecosystem around a public market in Mexico City includes not only the market premises alone but also other channels and forms of commercialization including shopping centers, street markets, street vendors and public markets. These satellite shops coexist and compete with each other. All of them fulfill a social function in commerce, where sometimes their activities are complementary, but frequently there is a certain degree of opposition of interest, because it generates competition between them to attract more customers (Torres 2019, 3).

Many of the markets that are currently in operation were built during the administration of the governor Uruchurtu, nicknamed as the “Iron governor” for applying his iron fist while pursuing modernization in the city. In this same period the regulation guideline of markets for the Federal District was issued (Cross 1996, 99). Before establishing the market regulations for the Federal District in 1951, the city had 44 markets and no regulatory framework. Therefore, the 1951 regulation is the first exercise of administrative authority to concentrate, institutionalize and transform the social practices that developed on the public markets ecosystem (Meneses 2011, 124). The market development surge undergone in Mexico during the Uruchurtu era resonates in how markets are shaped in Mexico City today. After the 1970s, the authorities began to reduce the number of markets built since this accelerated pace in the Uruchurtu’s period was unsustainable. The construction of new markets was presented as an electoral campaign work (Meneses 2011, 140). Currently, Mexico City has 329 permanent markets and more than 1000 tianguis (small road market). Considering both permanent markets and tianguis, there are about 240 000 vendors (Delgadillo 2016, 59) whose primary source of income is the public market. Some markets have been equipped with all the services and utilities (like water and electricity) while others remain in precarious conditions (Delgado 2015, 68). The regulation of the public markets established several fees to be paid by the vendors, such as land rights and also it established the entities that are entitled to manage the public markets and supervise the activities conducted in them. According to the fiscal code, the stall owners receive the use and usufruct of the commercial premises in concession, where 17.49 pesos per square meter per month

are paid as land rights (includes the cost of water and electricity). The Secretary of Economic Development performs tasks regulations and supervision of market activities, while the delegations are responsible for the administration, operation and maintenance of these buildings (Delgadillo 2016, 60).

## **5.2 Dynamics of Public markets**

Public markets are places expressly determined by the municipality in which local retail trade is conducted. They are structured commercial units, which are based on the organization of small merchants that supply and distribute daily basic products needed by the community (INAFED 2014).

Markets are part of the Latin American culture and more specifically, the Mexican reality and its socio-economic relations. They are exceptional places of goods exchanges and social mingling (Seño 2013, 130). Many markets, being located near the city hall esplanade, are involved in all the activities that take place there, from political rallies, book fairs, shows, parties or gastronomic fairs (Giglia 2018, 112).

Public markets usually have local farmers as their main suppliers, and this represents a source of income for families in the area. In these important niches for the local economy, it is also possible to observe the daily social revitalization because of the constant interaction among the stakeholders of the market, where there is a permanent

flow of life exchanges (Giglia 2018, 119). It is the latter that strengthens the cultural identity of the community (Amparo et al. 2018, 96). Because in the markets there is much of what gives us identity: local practices, sweets, food, handicrafts, local fruits and vegetables, found only in Mexico (Delgado 2015, 21). Likewise in the market the dynamics of the neighborhood are reproduced. For example, in the Tepito's market, the operators talk to their customers using idioms and slangs, as if they were their neighbors or close friends (Delgado 2015, 145).

The role of the market becomes vital for the articulation of the countryside economics (Molina and Campos 2016, 274) since the market is supplied with local products from the region (Molina and Campos 2016, 280). For example, the world's largest food supply center, "el mercado de la central de abastos" (the supply center market) in Mexico City distributes 35% of Mexico's fruit and vegetable production. Products from all corners of the country are sold directly from the producers, which is why "the supply center" has a fundamental role in the dissemination of profits to the countryside (Rodriguez and Mendoza 2019). Markets are spaces that contain a representative set of the regional environment. They are microcosms that exhibit in a compressed way the economy of the area and the local way of life (Licona 2014, 142).

Public markets are spaces that provide employment opportunities; approximately 280 thousand families live off the economy of public markets in Mexico City (SEDECO 2017). Although this does not imply that working conditions are the most favorable since market vendors do not have access to social security, credits and/or retirement funds

(Delgado 2015, 320).

From the perspective of a consumer, trips to the market serve not only to fulfill a buying purpose but also for social, recreational, and religious activities. Markets are important meeting points and social interaction of various groups (Bromley and Symanski 1974, 14; Licona 2014, 142; Arellanes and Casas 2011, 96). In general, markets are very accessible as the distance separating each market from its nearest neighborhood is on average 900 meters (Pyle 1970, 61). Markets are inserted in vastly different urban contexts from a high-class residential area to semi-urban towns so they can meet the demands of populations of different socioeconomic levels and adapt to different socio-territorial dynamics (Giglia 2017, 71). Additionally, in its role as a social meeting point and a transit zone, markets are fertile spaces for prostitution, trafficking of illicit substances, crime (Zetina 2015, 83). This situation where both legal and illegal economic conditions coexist have operated for decades (Zetina 2015, 92) where the local authority has allowed it to proliferate thanks to corruption and influence peddling (Zetina 2015, 89).

Many people consider public markets a better option for doing their purchases because fruits, vegetables and meats are perceived to be fresher, less processed and of higher quality at the local market when compared to other commercial spaces (Delgado 2015, 68; Harner 2007, 40). People consider the more affordable prices found in the markets to be the main advantage of shopping in public markets when compared to

other retail channels and businesses (Garza-Bueno 2013, 710). Also, vendors and stall-owners are usually friendlier than employees at large self-service stores, and this creates a special bond between the sellers and the buyers, stall-owners and/or operators who are looking for mechanisms to survive by making a closer relationship with customers, to the extent that they all feel among family (Delgado 2015, 125). The market is also a meeting point that allows the trust building among stakeholders. Markets are places where the customer can talk about everything with the vendor, from tips on how to cook a dish to the economic problems of each person (Delgado 2015, 269). This is a very interesting aspect that can be related to Polanyi's economic idea: economic relationships are embedded in society and the market is part of cooperative and competitive interaction in which social relationships are equal to or more important than economic utility (Torres 2015, 301).

Despite their cultural and historical prevalence, public markets have gradually suffered a decrease in visits from buyers and customers because of several reasons. First, the inefficient maintenance of the market infrastructure such as painting, renovations, repairs and conservation of wall and floors that the government should provide to them (Arellanes and Casas 2011, 98; Castillo et al. 2015, 23) The inefficient maintenance is also reflected in the lack of risk prevention. Many accidents such as fires have occurred in public markets and they are caused many times because of irregular electrical connections as a form of appropriation of spaces (Zetina 2015, 84). Second, increased levels of insecurity affect the markets as markets are zones where acts of violence and theft happen more frequently (Garza-Bueno 2013, 714). Third, the

proliferation of transnational commercial chains such as Wal-Mart heavily impacts their price competitiveness (Delgado 2015, 68). Finally, other physical factors such as lack of hygiene, both inside and outside the market, impact negatively the shopping experience. Especially the clients themselves have complained about the filthy conditions inside and outside the markets (Garza-Bueno 2013, 699; Castillo et al. 2015, 23). These are only a few of the factors but there exist many other reasons behind the diminishment of visits to the public markets (Delgado 2015, 68). Vendors know that they must improve the experience they offer to their customers to remain competitive. For instance, one of the solutions that have been implemented to reduce insecurity is to hire private security and to improve cleanliness in both products and stall installations, since vendors themselves are aware that one of the priorities for their customers is hygiene (Delgado 2015, 267). The sellers have also adapted to modern times, and they have broadened the range of products they offer to match customer's needs and to become more competitive, vendors no longer only sell subsistence items such as fruits, vegetables, food and groceries; the needs of the population and the range of new merchandise have evolved and the lines of business have been significantly diversified into clothing, electronic devices and jewellery (Delgado 2015, 289; Torres 2019, 3).

Despite their formal nature, public markets are self-regulated in their daily life activities. There are usually administrative boards (sometimes they proclaim themselves, other times they are elected by the stall owners) that have the function of being mediators between the stall owners and the government in order to facilitate certain actions to the stall owners such as access to water, light, sewage, permits to

remodel the stalls, etc. This practice is known as corporatism, which is “a system of interest representation, a particular modal or ideal-typical institutional arrangement for linking the organized interest of the civil society with the decisional structures of the state” (Schmitter 1974, 86). The mechanism in which order within the market is maintained sometimes takes the form of mutual surveillance among the stall operators, who ‘accuse’ one another to the administrative office when there is some kind of non-compliance, generating a surveillance model between them that prevents them from “breaking the law” (Tello 2018, 114). That is stall owners and / or vendors are constantly monitoring each other to maintain the order. The authorities are more reactive than active since the vendors are the ones that are aware that the law is fulfilled, instead of the authority actively promoting compliance or patrolling the market making sure order is maintained.

Public markets have been mainly studied from a socioeconomic perspective (Molina and Campos 2016; Bromley and Symanski 1974; Arellanes and Casas 2011; Licona 2014; Pyle 1970; Delgado 2015). There is extensive research about the form in which they operate and how this contributes to economic development and their relevance for the understanding of the local economies of the communities in which they are located. Overall, other than studies from this perspective, it is hard to find research at either the municipality level or even in Mexico City that studies public markets from a political science perspective. In addition to the socioeconomic perspective, public markets have been studied also from a touristic perspective because many markets became tourist centers. Some markets were even given the title of cultural World

Heritage site from UNESCO (Seño 2013, 134). Over the past several years, there have been government initiatives to turn some public markets into gourmet food markets for tourists (Delgadillo 2016, 62). Therefore, there is a gap in current literature when it comes to studying informality applied to the context of public markets. For this reason, this research will cover this academic gap by analyzing informality within the perspective of the dynamic approach. This research will study the mechanisms and forms of the public markets in Mexico.

### **5.3 The formal and informal coexistence in the public market**

Many public markets in Mexico were created under the initiative and efforts made by the local administration to formalize street vendors in Mexico City and its surrounding areas (Cross 1996; Porter et al. 2011, 142). Since the early efforts carried out by Uruchurtu in Mexico City in the decade of the mid 50's and 60's and throughout our days, the administration of the city pursues the ordering and formalizing of street vendors, partly because of the pressure put in the government from formal and established organisations that seek to eliminate all street vending to remove competition and partly because of a governability crisis that is visible and exposed through the street vendors (Rodríguez 2007, 3). Under the evaluation of the characteristics that define whether a practice is formal or informal in which this research project is based, these spaces cannot be considered either fully formal spaces or fully informal. Public markets in Mexico City are spaces where the imbrication of formal and informal practices is the normal way of living. Public markets are blenders of the formal and the informal. These

are key reasons to further understand the interaction between these forces and evaluate the coexistence in the daily life of this public space.

To demonstrate how stakeholders navigate between formality and informality in the context of public markets in Mexico City, some practices that exist in the markets will be described and studied. The practices to be mentioned in this study are a small collection of all the formal and informal practices conducted by the stakeholders in the public markets. Therefore, the coming list of practices is not exhaustive.

Following will be analyzed some practices, which can be categorized as formal, but blurred with informality. According to the aforementioned, it can be said that one of the most evident formal practices is the transition from being street vendor to becoming a public market stall operator. This transition is visual and happens under the initiative of the government. Under this transition, street vendors gain certainty as they are assigned a stall so they have a permanent place to sell and store their merchandise. The benefits of becoming a public market vendor is that the operators have access to established electricity and water supply, they have a safer place to work as they are less exposed to robberies and extortion than when they were selling in the street, they operate under a roof so they do not have to work long hours under the sun and to store their products without the need of carrying their inventories from their homes to their selling points and they have fewer problems with the police as it is usual that police evict street vendors and capsize their merchandise (Delgado 2015). However, formalization of associations of street vendors functioned as a mechanism that attempts to corporatize the population

who traded in the streets within the structure of political parties (Meneses 2011, 115).

This transition from being street vendor to becoming public market vendor is the inaugurator of formality for public market vendors. From the administrative point of view, there is a legal framework that regulates public markets. The Regulation for the Federal District was issued in 1951 and is still enforced and has never been reformed. This regulation establishes some general rules of operation and guides of regulation for the public markets. For instance, this document clearly defines that it is the state the entity that owns the market infrastructure and that it is also the state the responsible entity for operating the market (Article 5). Stall operators receive a stall in consignment and must pay land use (Article 26). The regulation states that in under no circumstance the stall can be leased or sell as it is property of the state (Article 45). Therefore, stall owners operate the spaces assigned to them by the government in the form of concessions for them to use and usufruct (Delgadillo 2016, 60). The Ministry of Economic Development (SEDECO) plays a normative and supervisory role in the markets' activities while each municipality<sup>1</sup> is responsible for the administration, operation, maintenance and enforcement of the regulation, circumstance that creates multiple criteria and interpretation for its application (Delgadillo 2016, 60). This rulebook, unmodified since 1951, is no longer reflecting the current reality of the modern-day public market (UNAM 2015, 14). For instance, there is nothing mentioned about the new structure of the City's government, as authorities mentioned in the rulebook are no longer operative and the city itself has experienced changes in its administrative mechanisms, which lead to confusion and gaps in processes (Giglia 2018, 35).

Another practice can be drawn when it comes to the relationship of stall vendors with the government and local authorities. For instance, they acknowledge their relationship with the state when in need of support. The vendors are a population that is constantly organized around common demands and goals and that are a group of influence big enough to earn notoriety, which is why they have sufficient capacity to put pressure on the authorities (Meneses 2011, 117). For example, stall owners filled group requests for government support to repair their stalls after a series of fires at the end of 2019 and at the beginning of 2020 in five Mexico City markets (Mata 2020). Not only did they obtain their request but also during the time required to conduct the repairing of the market, the stall operators were given cash support in the form of unemployment insurance amounting 2,500 pesos per month for 6 months and were also given the option of getting a credit so that they could start the purchase of supplies for their businesses. In addition, they were given temporary permission to install their stalls on streets near the market or in the market parking area until the remodelling work is completed (Expansión Política 2020). This last activity, for example, creates a paradox since only during the remodelling work period, market vendors had the right to settle on the street, as if they were street vendors, but this time with the permission of the government, therefore it can be said that those vendors in the street were acting formally.

Additionally, public markets receive government support for infrastructure improvement, precisely to prevent any type of disaster to happen and for the betterment of the image of public markets. For example, the program for the promotion and

improvement of public markets in Mexico City has improved electrical installations, drainage, lighting, and painted facades (SEDECO 2019). All of these activities show that the stall owners acknowledge their relationship with the government and seek to participate in formal activities when in pressing extraordinary circumstances such as a disaster or when in need of a shared or collective major improvement or benefit. It might seem that these cases are collective in nature, not individual. Therefore, the benefits provided by such social programs encourage the use of formal mechanisms to improve collective economic or infrastructural problems.

Following the analysis made in the previous lines, the next practices will study what can be catalogued as informal activities. But as mentioned, such categorization is not strict. For instance, in most of the markets in Mexico City, the municipality places a market administrator, with an office inside the market, to oversee the general order in the market and manage relations with stakeholders, a mechanism that can be considered formal. However, the same market administrators have complained about the lack of a more up-to-date regulation with detailed guidelines and common criteria for conflict resolution (Castillo et al. 2015, 39) and they recognize the limitations of their position to make decisions and favourably influence the operation of commercial stalls, thus questioning their actual relevance in the market (Castillo et al. 2015, 40). Moreover, the figure of market administrator receives the stall operators' complaints and their requests for infrastructure improvement among other requests. However, these administrators do not have either a budgetary allowance to react to these needs nor influence on the municipality, so they usually blame on budget shortages the

impossibility of action about infrastructure maintenance and improvement and about not being able to provide vendors and customers services in an appropriate manner (Castillo et al. 2015, 40). The performance of the administration is also limited by the poor recognition that the vendors grant them and their authority to solve the eventualities that arise. In fact, most of the times the vendors prefer to resolve the issues themselves (Castillo et al. 2015, 40). This set of difficulties in the formal procedures might suggest why stakeholders prefer to solve their needs and conflicts using their own resources. For instance, when stall operators identify a minor repair or improvement needed in the market premises, they prefer to collaborate among themselves and fix it with their own resources instead of taking the matter to the municipality as it is established in the rulebook to do (Giglia 2018, 51).

More informal activities seem to appear to fill gaps in regulation or as a result from the state's inaction, in both cases enabling the presence of informality. This is exemplified in the action taken in 2015, where 800 informal stalls were evicted from the center of Xochimilco<sup>2</sup> as a result of the whole demarcation being declared as Cultural Heritage of Humanity by UNESCO (Heraldo 2019). This was an action taken by the municipal authority with the objective of complying with the requirements from UNESCO and improving the image of the municipality in preparation for the foreseen increased tourist activity. As a result of this action, the demarcation authority decided to transfer the evicted vendors to the parking lot of an existing public market, with the hope that this move would create a larger trading site. However, the real consequence of this arrangement was an increase in vehicle and people traffic, and

increased insecurity levels. The space became a noxious and crowded place, which made it favourable for robberies and drug sales, issues to increase and worsen over the years. Recently, the Civil Protection Secretariat, a city administrative authority, determined that the public market, the parking lot, and the vicinity are high risk areas and that there are no conditions there to engage in trade of any kind. The market vendors accuse municipal authorities of systematic negligence because former complaints were routinely met with inaction by the latter (Heraldo 2019). In this instance, the formal procedures taken by the authorities to provide a new space for street vendors created informal practices since the relocation was not done with due precaution. This can suggest that informality might be created by the state itself, maybe not consciously, but because of indirect actions, gaps in regulation needs, poor program planning or unforeseen consequences of their actions.

The last example showed informality arising because of government inactions. However, informality can also be a more central part of institutional activities. Even the government use informal practices as a tool to win over the sympathy of individuals or groups, as was the case of the last election campaign for the Chief of Government of Mexico City. One of the candidates denounced that workers of the public markets of Coyoacán<sup>3</sup> were being pressured by authorities of that municipality to register and support the Green Party.<sup>4</sup> The candidate denounced that stall operators were conditioned the repairing of the electricity supply in the market (obligations of the government), which had been down for a while, to their vote favoring the governing party's candidate (Excelsior 2018). This form of extortion is a

clear informal practice that has the objective to convince the voters to act in a specific way. In this situation the state is the one that actively practices informality, taking advantage of its capacity of action, and authority, to control voters in their favour. Thus, this is an evidence of how informality practiced by the state can become a powerful resource to control groups (AlSayyad 2004, 14).

As mentioned, the relationship that stall owners have with the state is usually acknowledged when in extraordinary circumstances or when in a collective need of improvement. When it comes to taxpaying, the state expects stall owners to pay their taxes under the small taxpayer regime. However, according to the government, stall owners are constantly evading taxes (Delgado 2015, 320). This contradictory relationship to the state can be explained by the culture of informality. Small business owners such as the owners of a stall in a public market, claim that they do not register or contribute to tax systems because “businesses like their own do not do that at all” (Perry et al. 2007, 14). This is a shared belief, which is common among the stall owners. This expression of the culture of informality despite being quite simple reveals the inherited and learned expectations and norms of what businesses like stalls in a public market are to do and what they are not to do. By keeping a manual record of sales in a notebook instead of changing to a slightly more technological solution such as a check-out machine, vendors have the possibility of avoiding being audited. Despite the fact that performing their operations in notebooks is cumbersome and prone for mistakes, they still choose it over other solutions because of the perceived benefits against the required costs such as acquiring a new tool to record sales. This is not only the case of stalls. In

many occasions the vendors' suppliers do not use any formal sales tools and do not hand them invoices either, leaving no traceable evidence of a sale being made and therefore not taxable (Castillo et al. 2015, 32). By not having invoices or a strict record of their sales, sellers can benefit by declaring what they want when paying their taxes (Castillo et al. 2015, 20). These practices are allowed by the government because it is not profitable to prosecute small taxpayers due to the high cost of audits (Cruz 2020, 447), and because the tax authorities instead have focused on auditing large taxpayers (Badillo 2020).

Beyond the tax paying relationship, the government also enables informality when its actions or inactions harm the trust that stakeholders have in it and its institutions. For instance, when the government does not comply with its obligations, the stakeholders lose trust in those public institutions. One of the obligations explicitly mentioned in the Regulation from 1951 is that the government and its authorities are responsible of maintaining in good conditions the market infrastructure. However, because of a lack of repairs needed in a public market, some vendors had to shut down their shop to prevent rain from flooding down the walls and breaking electric sockets on rainy days (Torres 2015, 301). Additionally, there are deficiencies from the state in the processes of collection, separation, and recycling of solid waste. A considerable part of the solid waste in the area is not collected, which is why people have generated numerous clandestine dumps that not only generate bad odours in sanitation but also create an environment susceptible for the proliferation of harmful fauna (UNAM 2015, 37). The general sentiment from vendors is that politicians, public servers, and

authorities only visit the markets for photo-ops, but then quickly forget about promises made and their obligations (Torres 2015, 301). The public market repairs conducted by the stall owners, the waste disposal conducted in clandestine dumps and the disdain in which politicians and authorities relate to stall owners are informal practices that are originated from the state institutions. In both cases, the stall owners seem to navigate between formal and informal practices constantly, they might evade paying taxes but will participate in the election processes; they could demand better infrastructure services to the authorities but will conduct repairs themselves as well.

There is an additional layer in the way some markets in Mexico City are regulated, called the uses and customs regulation. This figure, which allows self-regulation in some aspects for indigenous communities in the city, needs to be added to the equation of regulatory complexity for markets. One example of the presence of uses and customs form that the state tolerates in the public market setting is bartering, which has prevailed since centuries ago and is still in use in the current public markets (Molina and Campos 2016, 276). Barter is an exchange of material goods or services for other material goods or services, without mediating the intervention of money (Teixidó 2016). This practice, however, is not authorized or even expected in other commercial settings such as self-service stores, drugstore chains, etc. Bartering finds its origins in the Pre-Hispanic practices of product exchange and is a sample of the many cultural persistence and subsistence strategies of the communities in the region (Molina and Arellanes 2016, 92). Barter is a contemporary phenomenon that covers all the range from small to large-scale transactions and that occurs in advanced and complex societies with

fully monetized economies (Molina and Arellanes 2016, 93). In bartering, the actors of the transaction decide that one object is worth the equivalent of another with the difference that the objects are not measured against each other by some external criterion as is the case when using currency, but rather their value is equalized among one another through mutual consensus. Bartering is a customary agreement (Molina and Arellanes 2016, 93) that can appear between sellers or buyers in the market, allowing them to buy products without using money and helping them exchange products to avoid the loss of perishable products that could not be commercialized during the day (Molina and Arellanes 2016, 95). A product even can be exchanged for a service. For example, a seller of chilli exchanges bags of her product to a nurse who takes his/her blood pressure (Molina and Arellanes 2016, 96). Either way, bartering is a strong source of informality that is culturally accepted in the market and that has the benefits of doing exchanges without the need of money, sellers can use the surplus of their products to meet other necessities and it improves their social capital among them since they know that they can rely on each other to get goods and services they need (Pacheco 2020).

A derivative of the informal practice of uses and customs, additional to bartering is also tangible when looking at the nature of some products that are traded in the markets. For instance, some markets even specialize in the trade of some animals and their derivatives as therapeutic products to cure diseases of the body and soul, which has been a daily practice since pre-Hispanic times. This is only seen in public markets (Gómez et al. 2007, 86). In the markets of Mexico, ointments, oils, or liquids that are

derived from animals are sold without any government intervention, quality assurance or institutional support or endorsement (Gómez et al. 2007, 89). Those products are usually home-made, without industrialized processes, nor any type of registration of their origin, nor any kind of quality assurance on the processes in which they are elaborated (Gómez et al. 2007, 87). No one can confirm whether the syrup made from axolotl, which is supposedly very helpful for curing a cough, is not really anything else but water sweetened with coloring (Gómez et al. 2007, 93). Both sellers and buyers normally know that such animals should be protected and should not become curative remedies, however the use and custom is preserved and accepted in the market context (Gómez et al. 2007, 93). Some of the elements of these practices could suggest a cultural, pragmatical and governmental reasoning behind it. Culturally motivated as the demand for such exotic goods might be linked to inherited beliefs or a collective acceptance about the specific benefit of the use of such good, sometimes dating from before the pre-Hispanic era. Pragmatically, as there is a competitive advantage when they trade an item that can only be found on their stalls and in no other retail channel and this could therefore increase their profit margin. Governmentally, as the enforcement of laws preventing the trade of exotic goods is low and the risk of prosecution is also low.

Another practice that also has elements of uses and customs in public markets is pricing. In public market, prices are not usually fixed and can change even from one transaction to the next one. For instance, vendors typically sort fruits and vegetables by quality and degree of ripeness, and they vary the prices accordingly rather than offering

a uniform price for a product as is the case, for example, in a supermarket where the same item holds the same price regardless of the variety of quality within the same bin (Harner 2007, 40). The customers attending the markets are usually aware of this and therefore bargain intensely with the sellers before making a purchase, thus adjusting the prices at the moment of purchase or requesting the best quality available for the item (Bromley and Symanski 1974, 12; Licona 2014, 161). Bargaining is a way to get discounts and offers through informal negotiation since there is no government institution that supports, regulates, or oversees the action. However, the rules of how bargaining works are well known by all participants, are thought, and learned among communities (Álvarez 2018). Bargaining is an ancient practice, which is culturally accepted and expected by both the buyers and the sellers. It is a practice that is not exclusive to Mexico, but it is one of the countries that practices it the most (Álvarez 2018). This negotiation practice has such an impact in the final pricing that on average, skillful bartering buyers can obtain discounts of up to 18% (Álvarez 2018). Bargaining is a chosen practice that is culturally accepted from the seller and the buyer because it has the benefit for the sellers to attract and retain customers and for buyers to get discounts (Álvarez 2018). Bargaining in some cases means an affective relationship between sellers and buyers, thus characterizing exchanges in the market (Licona 2014, 161).

Additionally, sellers can reduce prices according to the level of trust with the customer without the need of bargaining. Regular clients have a special treatment with better prices and sometimes sellers may extend credit or give special favors relying on mutual trust and a history of continuous previous purchases from the person (Bromley and Symanski 1974, 12; Licona 2014, 161). Consequently, both sellers and customers

benefit from this practice as sellers retain their customers and customers get a reduction in the price paid and both increase their social capital by trusting each other that these benefits will continue (Licona 2014, 161).

On the other hand, sellers can use informality in price adjustments to take advantage from non-regular clients and charge them higher prices according to their appearance (Bromley and Symanski 1974, 12). Sellers charge customers different prices for the same product or services based on what the seller thinks the customer can afford to pay them (Twin 2020). Usually in Mexico, a person with light skin color is associated with having more money; therefore, sellers might charge them more considering they will afford it (Monroy 2017). Despite the existence of the Federal Law to Prevent and Eliminate Discrimination, which seeks to prevent and eliminate all forms of discrimination against any person, as well as to promote equal opportunities and treatment, this is a common practice (Cámara de Diputados 2003, 1). This law also punishes and prosecutes discrimination from retailers to consumers, however this law is poorly enforced. Therefore, it could be said that changing prices based on appearance is a common practice facilitated by the state's inaction to enforce the law and because of the stall owner's motivation to obtain the maximum spend from their customers.

Measurement is another dimension that characterizes how the public markets works. Sometimes, the measurement tools are interfered and modified to the convenience of the seller, this is, scales usually show incomplete kilograms (Bromley and Symanski 1974, 13), stealing between 100 to 300 grams to the client

(Voragine 2015). Since the government authorities fail to fulfill their obligation to verify whether the scales are being well calibrated (Garcia and Flores 2011, 13). The inaction from the government and the earnings for charging more for fewer products encourages might explain why the sellers to modify their measurement tools.

Additionally, some of the tools used for product measurement are not conventional measuring instruments. Units such as “un montoncito” (a little pile), or “una jícara”, (one vessel) are heavily used (Licona 2014, 152). These measurements are arbitrary and up to the decision of each seller. Therefore, they may vary from one seller to the other (Arellanes and Casas 2011, 106). This informal measurement practice is collectively accepted but such measurements are not backed up by any institution and make standardization and comparison quite challenging. This practice exemplifies how blurry the line between the formal and the informal is. On one side, this peculiar measuring method has informal elements. For example, the “jicara” is not a common, recognized measuring standard, it is not a unit under any measuring system and is not used in other locations other than the public markets and in some cases, street vendors. However, this practice has also formal elements in it. Both vendors and customers expect to buy and sell goods such as peanuts or beans under the “jicara” measure across all the vendors in the public market to allow for price comparison and bargaining, thus creating a culturally defined standard used only within the public market space (Perez 1973, 230). This practice might be conducted given the benefit it has for sellers to use specific tools at their convenience and because this practice is collectively enforced and expected within the public market format but never to be found in other

retail formats like self-service or convenience stores. This is a common practice; however, the same stalls vendors could also measure other goods using formal measurement instruments like weights, liters, etc. (Licona 2014, 155-156). Therefore, formal and informal practices coexist. The type of tool used depends on the type of product since certain products are expected to be measured with the jicara, such as peanuts, and other products are expected to be measured with the scale, such as the kilo of tortillas.

In the previous paragraphs the use of pricing and measurement techniques has been analyzed. In the case that stall owners decided to use the formal alternative of these techniques to improve their sales, they would be conducting law-complying marketing activities. For example, other small companies usually rely in some formal methods for improving sales such as promoting their businesses in social networks, elaborating traditional marketing plans, or offering established promotions or fixed discounts. These all would be formal alternatives as they comply with regulations and do not discriminate their clients (Clip 2020). There is evidence, that few vendors have used formal alternatives such as social networks and banners to promote their products (Giglia 2018,85; Garza-Bueno 2013, 705). However, It might seem that sellers prefer informal practices because it is what they are used to, they already know the rules behind them and the benefits they entail and there is a resistance to change (Garza-Bueno 2013, 706)

Informality can also be observed by the lack of compliance regarding the

execution and observation of regulations and responsibilities that a stall operator is expected to do. The article 12 of the Market Regulation for the Federal District of 1951 states that sellers are responsible for maintaining hygiene inside and outside their stalls in at least three meters from their formal stall limit. However, this requirement is not enforced by any formal authority. This gap in authority force creates the condition for the public market to incur in informality. The informal practice is therefore the operation under hygiene levels, which are defined by each stall operator's own definition of hygiene, resulting in a lack of hygiene standardization in the markets. Despite operating in suboptimal conditions and the fact that sometimes costumers may complain about it (Garza-Bueno 2013, 699-714), such sanitary reality is tolerated by stakeholders in the market including the government authorities, stall operators and buyers because the advantages of attending the market are higher (freshness of perishables food and lower prices) than the disadvantage of buying in a setting with sub optimal hygiene levels (Garza-Bueno 2013, 699-713). Since the dissatisfaction about the hygiene levels of the market does not prevent clients from continuing visiting and shopping at the public market it could be explained why some operators prefer not to do anything about it.

The stall operators' procurement process is another dimension where the limits between formal and informal are complex to set. For instance, the origin of some products that are sold in the public markets come from robbery and in some cases, the public markets are famous and known to doing so and even hold the reputation of specializing in that. This is the case of the public market of San Felipe de Jesus, the largest public market in Mexico and Latin America with an extension of seven kilometers

(Delgado 2015, 249). This public market is known for being the market that “specializes” in selling stolen goods (Delgado 2015, 253). Despite the public acknowledgement of this situation, all stakeholders accept and expect this to happen as it results in a reduction of prices for the final buyer and a higher profit for the seller. The benefits of buying and selling illegal products could explain why they choose to operate informally, in order to maximize their profits and avoid high transactional costs in the form of both time and money (Banks et al. 2019, 3). However, it has to be mentioned that this is the exception not the rule since most of the public markets do not sell restricted or illegal products but rather the same offered by their counterparts such as household items, food, clothing, footwear, flowers and plastics, and of course the sale of animals (Local 2020). This is understood since many customers are used to going to the market to buy items for daily consumption and not to buy another type of product or service (Garza-Bueno 2013, 699-710).

When studying informality, one of the most referred dimensions is informal labor. It is no different in public markets. Most of jobs in the markets, such as vendors inside of the market, can be categorized as informal since they do not have access to social security, and/or retirement funds (Delgado 2015, 320). Public markets are the workplace of hundreds of young people looking for an income, conducting work without any training or complex skill required and where they offer the only attribute they have: their physical work, such is the case of positions known as “diablos” (Delgadillo 2016, 65). Diablos, besides loading and unloading merchandise, their tasks range from the accommodation of the product and sale of the same, to accounting of products and

general cleaning (García 2018, 142). Many of the vendors are "hired" informally by the owners of the stall. There is no formal contract binding the parties, not a single work prerogative, vacations package nor benefits, and they are normally paid by the day (any day they do not go to work is a day they are not paid). Markets open daily and some are open even 24 hours, 7 days a week, thus requiring night and weekend shifts (Delgado 2015, 193). Therefore, some of the young people hired informally work daily, in night shifts or during weekends without extra compensation despite the fact that the federal labour law clearly establishes in the article 74 that compulsory rest days must be given to all employees (at least one day per week) and that in the case that an employee works during Sundays or official holidays, the employee is entitled to earning double the salary according to article 75 of the same law. These provisions are not observed in the setting of public markets (García 2018, 61). The reduced transactional costs required to engage in informal labor are appealing for both the employer and the employee. This is, the employer does not need to pay any fees or social insurance, nor need to conduct any paperwork to access it and the employee can easily access a job position almost immediately and earn money without having any type of preparation, among other convenience benefits (Tello 2018, 107). Workers who decide to engage in informal job positions often are better off than if they engaged in a similar formal job position for which they are qualified (Maloney 2004, 1160). These incentives, in addition to a poor law enforcement, enable informal labor.

Job positions in public markets are commonly filled by the children, friends or relatives of the owners of the stall. These job positions are also informal in nature as

these are unstable positions with no health or saving benefits (Harner 2007, 41). Most of the vendors in public markets got the position through a family member. They are the sons or daughters, daughters-in-law or sons-in-law, nieces or nephews of the owners or managers of the stall, so there is usually no formal contract that rules their relationship with the employers (Arellanes and Casas 2011, 116). Most (approximately 75%) of the owners personally attend the stalls or they employ a direct relative whilst the remaining 25% is attended by an employee (Castillo et al. 2015, 15). Of the total number of vendors who work in the market and who have children, 39% have them work in the market with them (UNAM 2015, 23). Normally, the stalls are passed down from generation to generation as these families have spent many years dedicating themselves to the same activity. This creates a family tradition of generations working in the same trade. In addition, trust is built among the family members working in the stall, which facilitates transition and changes such as the transfer of the stall among relatives (UNAM 2015, 23). Therefore, job positions inside markets can be seen as a family tradition inherited from generation to generation as the responsibility of operating the stalls passed down, and at the same time it can show how social networks enable the creation of an employment net among relatives.

Since the large part of the vendors are relatives of the owners of the stall, and because of the lasting relations built among neighboring stall owners, the workers within the market context find in each other's support an internal community to stay protected (Arellanes and Casas 2011, 116). This is more evident when there is a common issue affecting them or a specific concern. For instance, stall owners and workers will do

whatever it takes to protect and defend their workspace in order to preserve their income (Tello 2018, 106), that is the case of surveillance groups that have been created within the market through solidarity (Delgado 2015, 192). It can be said that it is an informal surveillance mechanism since they do not fall to the authorities (Ramos 2005, 38), it is the sellers and tenants who take care of each other's backs. When a vendor leaves his or her stall for a few minutes and it remains unsupervised, neighboring vendors would keep watch in their absence. This interaction suggests that a security component exists in this relationship, as well as an exchange of favours – a fundamental component of social capital – playing an important role inside the markets (Torres 2015, 301). The benefit of obtaining protection by their neighbors, among other exchange of favours, might be the reasoning behind the existence of informal surveillance mechanism.

Another kind of support among the stakeholders of the markets is the creation of informal banking. There are stall owners who have limited access to loans or government support to improve or remodel their stalls or they do not always have financial liquidity for the operation of their businesses (Delgado 2015, 318; Castillo 2015, 14). In addition, there can be owners who have the possibility of accessing the formal banking system, but they do not prefer it because of the high commission fees. The formal banking products in Mexico usually carry overly aggressive terms for consumers and provide high benefits for banking institutions. This can be exemplified by the financial products offered in the market with interest rates as high as 89% annually on consumption-oriented loans (CONDUSEF 2012). These aggressive credit terms incentive consumers to look for alternatives such as informal banking. Most of people

working in the public market context have gone to family members, suppliers, private lenders to access financial products ranging from loans, credits, or can even take the form or more complex products and mechanisms such as the “Tandas” (Giglia, 2017, 48-49). A Tanda is a Rotating Savings and Credit Association (ROSCA), widely used around the world that is exclusively based on the use of community networks (Salahuddin 2015, 17).

In the form of Tandas in Mexico, and receiving many different names depending on the geography, ROSCAs usually operate under standard mechanics everywhere and the form has not suffered substantial changes over time (Ambec and Treich 2007, 120):

A group of people voluntarily gathers every certain period. At each meeting, every participant contributes a fixed amount to a common pot (normally a small sum of money). The pot is then given to only one member of the group, but then this member is excluded from receiving the pot at future meetings. However, such member still contributes towards the pot. This process is repeated until every member has received the pot (Ambec and Treich 2007, 120).

Therefore, some stakeholders of the market might prefer having informal backing because it eliminates transaction cost since there is no registration, management or withdrawal fees and because engaging in these credits does not require them to present formal documents such as personal identification or proof of income to enroll in

a Tanda (El Economista 2016) and finally because the commitment of all the participants increases the level of trust built among the members of the tanda (Di Giannatale et al. 2008, 30).

To sum up, stakeholders of the public markets seem to acknowledge the dual nature of formal and informal practices and seem to decide one or the other depending on pragmatism (looking for the best price or maximizing profit), culture (the use of mutual trust to earn a certain value) or because of government tolerance (poor enforcement of the law).

## **6. Conclusion**

Informality as a concept is, from an academic perspective, still a rather recent field of study. The origin of the study of this matter dates to as recent of a few decades ago, considering major fields of study around political science have been around for long before. For this reason, the academic research is still processing the concept and many conceptions looking to categorize formality and informality are modelling what it is from a political science view. This research project has presented the two major lines of study about informality: the classic approach which mostly defined informality as everything what formality is not and the dynamic approach which understood informality as a unique concept on its own. These concepts are still recent approaches to categorize what formality and informality are and it is very likely that many more unique academic

approaches to study informality appear in the future.

The Covid-19 pandemic that is hitting the global society might expand informal economy around the world (ILO 2020, 2). It is still to be revealed how informality and formality will evolve in the aftermath of the global pandemic. Considering that one of the reasons for individuals and communities to engage in informal activities is the possibility of alleviating pressing circumstances such as a job loss, illness or economic downturns for families, informality will most likely gain relevance across the globe for many individuals, communities and countries which had not traditionally engaged in such activities before. This will increase the priority of informality as a concept and its academic relevance for research.

Public markets in Mexico have existed for centuries. These markets in their early days were not the informal practice but rather the formal one in the circumstances of pre-Hispanic societies. This proves that informality is a changing, evolving concept but the practices themselves have not substantially been modified since their early days. Despite being a source of informality in modern societies, public markets have not been studied from the light of academic research on this field that is why further research is needed. This research identified this gap in the literature and evaluated informality to the specific context of the public markets. This research offers a conceptualization of the public markets in Mexico, from a historical, political and economic perspective to help the reader understand in depth the unique mechanics of such spaces.

The goal of this academic project is to understand the imbrication of formal and informal practices in public markets in Mexico and to highlight the factors that make individuals choose given formal or informal practices in imbrication. To achieve this objective, this research has been focused around drawing the dynamics of what formality and informality practices are specifically in the context of public markets, the agents and stakeholders that conduct such practices and the circumstances in which formal and informal practices are conducted in imbrication.

The research project led an investigation process around pragmatic decision-making, the law framework under which the public markets operate and cultural and social network practice heritage. These were the three major dimensions that the hypotheses formulated identified as the key elements that influence how formality and informality coexist under the public markets' context in Mexico. Considering the set of specific set of practices that were analyzed in this work, which is not exhaustive, and under the light of the literature available and presented in this project, then the hypotheses were confirmed and the research objective was achieved.

These findings can be used as the beginning point to understanding more about the peculiar relationship of formal and informal practices in imbrication in other settings. As mentioned, the post-pandemic world stage will most likely rely more in informality to alleviate pressing circumstances such as massive reduction in job positions, the

slowdown of industrial development, an increased health care expense in families, etc. It is the role of political science researchers to give society a deep understanding of informality and how to use it in imbrication to formality to create effective mechanisms that help reduce bureaucracy and increase structural efficiency for the functioning of societies. This research project has shown that informality is so closely related to formality, that both become essential components of the modern economy (AlSaiyyad 2004, 11).

The key player during the study of informality is the state. The governmental institutions are what provide the frame for informality. This frame for what is formal and what is informal, however, has proven to not be very effective. One of the answers to the hypothesis was that informal practices appear because the state's framework is ambiguous to fulfill needs in the society that it was expected to ensure. Where the state has failed to guarantee the provision of high quality public services consistently. The state's intention to improve the context of public markets should consider such expectations, considering that the failure to comply with public service fosters the adoption of informal practices. While pursuing this, the state must have an adequate provision of public services. If improvement is only based on ensuring compliance with the institutional regulation, it is most likely to generate unemployment and low growth. If, on the contrary, the improvement process is sustained through the development of both in the legal framework and in the quality and availability of public services, it will generate a more efficient use of resources and greater economic growth (Loayza 2008, 47).

The tolerance of the state for informal practice considers also what the dynamic approach academic research supports as well. That it is the state that purposely leaves room for informal practices to complement duties that the state either is not interested in fulfilling, that are costly to provide for a combination of reasons. This peculiarity creates a do-nothing attitude from the government, institutions, and policy makers. However, this do-nothing tolerance attitude might not necessarily be the best alternative to proceed. When the state acknowledges that informal practices are better and more effective to provide the solution for given needs of the society, the role of the state and the institutions change. Their role is no longer to compete against informal practices but rather to provide protection, structure, and guidance around the informal practice. This is, the role of the government should switch to recognise and embrace the effective informal practices and use them as tools and mechanisms to drive change and progress (Asare and Kira 2016, 20).

From the dynamic approach it can be understood that formalization of urban informality does not always improve the quality of life of those people living informally. There have been attempts to legalize all street vendors, to title informal housing, to clear slums to improve the humanitarian conditions of people living in informal condition. Despite such policies' intentions might be progressive, they are yet cast in a dichotomy that makes it the only promising option while ignoring the fundamental structures of power (Porter et al. 2011, 118). Formalization policies by no means guarantee a climb out of poverty. Instead, in many instances they are the beginnings of gentrification and

the further displacement of the most vulnerable (Porter et al. 2011,119).

Informality is a mode of urbanization that connects various economic activities and space in urban areas. The understanding of the concept of informality and the full enforcement of the new spatial planning law are needed to ensure an availability of urban space for informal housing, informal labour and more (Rukmana 2011, 143).

The understanding of informality as a unique social development force is still far from being completely understood. The post-pandemic world will likely rely more substantially in informal practices to overcome the crisis and adversity. This new reality will make the imbrication of formal and informal practices deeper and governments and institutions need to acknowledge this to react in accordance to the needs of societies worldwide. There are lessons to be learned from individuals and communities that have decades and even centuries of experience navigating through formality and informality, from generations of groups that make of this imbrication and complex relationship a way of life. There is much that still remains to be learned from public markets in Mexico.

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