

– SOVEREIGNTY BEYOND THE STATE: Exception and Informality in a Western European City

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Abstract

Bridging debates on urban sovereignty and urban informality, this paper argues that relationships between sovereignty and informality may not reside exclusively in the way the sovereign state decides to allow or forbid informality, but also in the way sovereignty is distributed among a range of state and non-state actors. Drawing upon fieldwork on the early-2010s management of displaced Romanian Romani families in two emergency camps in the city of Montreuil (France), the paper shows how the NGO responsible for managing one camp acted as sovereign power, allowing a number of informal activities to thrive within its confines. By contrast, inside the other camp, managed by another NGO that resolutely implemented state directives, only formal activities took place. Building on Dean's (2010) concept of 'disaggregated sovereignty', the paper mobilizes this disjuncture as a case for critically examining how the 'state of exception' takes shape beyond the state's grip. A subtext running throughout is the parallel between the very first camps for civilians in nineteenth-century colonized territories and these twenty-first-century camps for Roma in Europe—both elicited a state of exception partially predicated on camp dwellers' perceived ethnic/racial homogeneity.

Introduction

Sovereignty and globalization have been at odds for some time. Under conditions of globalization, national sovereignty has been described as 'complex' (Grande and Pauly, 2005), 'variegated' (Ong, 2006), 'disaggregated' (Dean, 2010), organized in 'regimes' (Agnew, 2009), 'waning' (Brown, 2010) and 'crumbling' (Sassen, 2012). While some of these studies consider the downward rescaling of statehood and governance as a key phenomenon in the transformation of national sovereignty, sovereignty as an urban phenomenon has been subject to considerably less analysis.

One of the first systematic analyses of sovereignty in cities is Davis and Libertum da Durren's (2011) collection focusing on ethnic and religious urban conflicts. In gathering studies from across the urban world, the authors argue that such conflicts are more the result of increasingly competing governing agencies in the city, than of alleged ethnic or religious incompatibilities. Legrand and Yiftachel (2013) have subsequently introduced informality into the study of sovereignty in cities. By focusing on two ethnically divided cities (Jerusalem and Sarajevo), the authors challenge the dominant view of the state as a monolithic authority whose sovereignty rests on its capacity to declare the 'state of exception' (Agamben, 1998): in ethnically divided cities, they argue, the vagueness about 'who rules, where?' crucially affects the production of space and poses questions concerning urban informality.

This vagueness elicits the production of 'grey spaces' (Yiftachel, 2009), which the authors ultimately propose as an alternative to Roy's (2005) notion of urban informality. According to the latter geographer, urban informality is an 'organizing logic of urban transformation' (*ibid.*: 148) in which only the sovereign state retains the power to allow or forbid informal arrangements. Due to its exclusive focus on individual illegal activities, Legrand and Yiftachel (2013) claim that Roy's (2005) notion is unable to account for

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the responsibility of public authorities. Instead, in order to capture informality from both above (i.e. among ruling agencies) and below (i.e. among urbanites), the notion of 'grey spaces' is a better theoretical tool. While this criticism contributes to questioning and expanding the notion of informality, it rests on the assumption that whenever an exception is in place, it is actually the state alone which establishes it.

By contrast, in this paper I argue that the relationships between sovereignty and informality may not exclusively lie in the way the sovereign state decides to allow or forbid informality, and what forms of informality, but in the ways sovereignty is distributed among a range of state and non-state actors. By drawing on fieldwork in the French city of Montreuil, I show how, following a humanitarian emergency, one NGO, along with some resident families, actually established a 'state of exception' in an improvised camp, in which economic informality became a way for the encamped families to develop their own social networks and cope with challenging socioeconomic constraints.

By focusing on a Western European context, the article also serves to challenge simplistic views of informality as a typical feature of urban peripheries in the global South (Varley, 2013). In dialogue with recent debates on global urbanism (Roy and Ong, 2011; Robinson and Roy, 2016), and with the introduction to this forum, my case suggests that the North versus South dichotomy does not help us to grasp the complexity of similarities and relations between localities globally, including across the North–South division (Peake, 2015).

Sovereignty, exception and informality

In Western political philosophy, sovereignty is traditionally understood as monolithic, absolute and formal. In questioning this notion, Davis (2010) argues that, in practice, sovereignty may well include different layers and types of sovereign powers over the same territory. At the same time, as the author makes clear when analysing Mexico's armed forces, the state is always in charge of ultimate sovereign power. This point resonates with Ong's (2006: 7) understanding of sovereignty's flexibilization under conditions of rampant neoliberalism: '[I]n actual practice, sovereignty is manifested in multiple, often contradictory strategies that encounter diverse claims and contestations, and produce diverse and contingent outcomes'. A certain 'graded' or 'variegated sovereignty', according to the author, is typically reached by resorting to the exception, which, as Schmitt (2003 [1950]) first made clear, is the most distinctive trait of modern state sovereignty. The sovereign, Schmitt argued, is the one who has the power to impose exceptions to the rules.

Drawing on this notion of exception and sovereignty, Roy (2005: 149) described the conditions for urban informality: 'The planning and apparatus of the state has the power to determine when to enact this suspension [i.e. the state of exception], to determine what is informal and what is not, and to determine which forms of informality will thrive and which will disappear'. It is at this junction of sovereignty, exception and informality that it becomes clear that the state retains sovereign power, although sovereignty is actually distributed among a series of state and non-state actors.

In practice, however, the state may not always be the agency actually imposing the exception. According to Dean (2010), in circumstances such as humanitarian emergencies, state officials may be short of time and knowledge, and various 'experts' may decide to take the lead. In the process, these 'experts' may acquire a more or less partial sovereign power over a certain issue and a given territory, and may retain this power for a certain time. In echoing Ong's (2006) concept of 'graded sovereignty', Dean (2010: 466, emphasis added) stresses the concept of 'disaggregated sovereignty':

Today, emergency response doctrines ... advocate a *disaggregated sovereignty* and a coordinated local and state response. To the extent that they locate key vulnerabilities in decaying infrastructure, areas of poverty and weak public

health services, such doctrines can lead to more social welfare and health-care expenditure. In this sense, there might be an unsuspected politics of what kind of exceptional security measures should be implemented.

This extract describes precisely the case and the phenomenon I discuss in this article. The Montreuil social integration project was an emergency response and welfare expenditure was channelled via two NGOs, each of them managing a unit of ‘decaying infrastructure’, i.e. one camp. The project involved a major sovereignty disaggregation between the municipality and one of the two NGOs, which took effective control of one camp, established a ‘state of exception’ within and decided, along with some of the resident families, that informal economy could thrive therein.

Disaggregating sovereignty

In July 2008, a squat caught fire in Montreuil, a city of 103,000 inhabitants located at the northeastern periphery of Paris. In the squat, about 250 people—children, adults and the elderly—were living in extremely disadvantaged conditions; all belonged to Romani communities, having arrived in France after Romania’s 2007 EU accession. In the emergency response to the fire, municipal authorities moved them into two dilapidated and insalubrious camps in the city centre. Over the course of 2009, the authorities set up a social integration project, called M.O.U.S., which officially began in early 2010 and was planned to last until the end of 2014. M.O.U.S. (*Maîtrise d’Oeuvre Urbaine et Sociale* or Urban and Social Master Project) is a common policy model in France, a time-limited collaboration between the state, the municipality and local civil society groups. The Montreuil M.O.U.S. had the sole aim of social integration, i.e. incorporation of the relocated families into social housing, the labour market, public education and healthcare.

Meanwhile, in 2009, the municipality set up a third camp, equipping it with basic infrastructure (i.e. water and electricity). It then moved all the families from one of the dilapidated camps to this newly equipped camp, closed the empty one, but left the families in the other dilapidated camp. When in early 2010 the M.O.U.S. was established, one NGO (which I name NGO A) started managing the newly equipped camp (which I name Camp A), while another NGO (NGO B) started managing the old dilapidated camp (Camp B).

NGO A started work in resolute collaboration with the municipality. Its approach was pragmatic and result-oriented, and its main priority was to instil discipline in the resident families, by having regular meeting with them, imposing strict rules in the camp, and setting a plan with clear conditions and deadlines. The idea was that they would all learn French; the children would go to school; the parents would find employment and in so doing would become eligible for public housing. Hence, the ultimate goal was housing—learning French was a condition for finding a job, which was in turn the condition for finding housing. Once all families were established in public housing, the camp could be closed down. As an NGO A employee told me during an interview, ‘We have five years to house these families!’¹

From the outset of the project, NGO B adopted a diametrically different approach and was disconnected from the municipality. While NGO A’s priority was discipline, NGO B’s philosophy was to accompany the families along a social integration pathway tailored for each family. The driving idea was ‘self-integration’, meaning that families should decide for themselves, without any pressure, how best to organize their lives within the French system, in order to learn how to access often-complicated bureaucratic apparatuses. The method was primarily based on listening to each family’s priorities, jointly deciding with them the modalities and timeframe of each step towards

1 In addition to analysis of local policy documents, I conducted 14 semi-structured interviews with municipal authority and NGO employees working in either Camp A or Camp B.

accessing healthcare, employment, schooling and housing. In the process, families were free to develop their own social networks in the city, welcome guests to the camp, engage in informal economic activity and indeed choose to leave the project. In order to do this, the NGO guaranteed that its social workers would remain in their jobs for several years, so that they could establish continuity in supporting each family and individual.

Given this sharp divergence in approach, the two camps were organized along very different lines. Camp A was enclosed by concrete walls, about two metres high. While the families living in the camp could come and go as they pleased, for the first year the camp entrance was locked—visitors were permitted only on Tuesdays and Thursdays from 3 pm to 6 pm, and a personal ID document had to be left at the entrance. Rigorous rules imposed order in the camp. Residents could not move their caravans nor put up canopies, and all economic activities inside the camp were banned. Indeed, the NGO's main goal was 're-housing these families', as the NGO leader told me in an interview. Alongside this chief aim, the NGO also promoted collaboration with the Romanian municipalities from where most of the families originated—the idea was to contribute to the creation of jobs and better conditions in Romania, so that the Montreuil families could be offered an alternative to staying in France.

NGO B, by contrast, kept entrances open and visitors could come and go at any time. The NGO allowed informal economic activities (primarily dealing in scrap metal) inside the camp (Olivera, 2016). This was a way for the families to make the camp their own living space and develop their livelihoods as they wished. In the summer of 2008, the notion of 'self integration' was the inspiration for a programme of camp refurbishment, directly involving residents in improvement works, allowing them to choose the positioning of their caravans, to which they could attach canopies, and generally giving them space for self-organization and personal freedom.

The municipality clearly preferred NGO A's result-oriented approach and this led to much tighter collaboration with this NGO than with NGO B. According to one of the municipal authorities most actively involved with the M.O.U.S., 'NGO A is goal-oriented. This means that they do things in a rigorous way. Ultimately, their results are better [than those of NGO B]'. He explained to me in the same interview that 'NGO B workers are traditional social workers. For them, it's not the result which matters, but the accompanying process ... When I say "traditional", I mean they have an old-style vision [of social integration]'. This view, clearly favouring NGO A, led municipality authorities to distance themselves from NGO B and everything related to Camp B. As a result, NGO B became the sole authority on Camp B.

The fact that NGO B in practice established an exception in Camp B by allowing informal economic activity to thrive there accounts for a sovereignty situation sharply disaggregated between the municipality and NGO B. The municipality did not have, and did not want to have, any authority over Camp B. The only thing that mattered for the municipality was that the social integration process would result in actual social integration. And this eventually happened—while less rapid and effective, NGO B delivered on its goals, and by 2015 more than half of the families eventually found a legal source of income and a sustainable housing solution outside Camp B.

The significant divergence between Camp A's strict discipline and Camp B's rather relaxed philosophy of social integration was the backdrop against which sovereignty became disaggregated and distributed between the state and NGO B. While municipal authorities worked in strict contact with NGO A, they distanced themselves from NGO B and its 'old-style vision [of social integration]'. This distance ultimately translated into a disaggregation of sovereignty whereby NGO B could establish a 'state of exception' inside Camp B. It is precisely this disaggregation of sovereignty that opens up space for informality and ultimately accounts for a configuration in which non-state actors such as NGOs may gain sovereign power over a specific territory.

Conclusion

In dialogue with the literature on informality and sovereignty in urban contexts, this paper has argued that the relationships between sovereignty and informality may not exclusively lie in the way the sovereign state decides to allow or forbid informality—as suggested by Roy (2005) and, with some variations, also by Legrand and Yiftachel (2013)—rather, it can also lie in the ways sovereignty is distributed among a range of state and non-state actors. In the case of the M.O.U.S. project in Montreuil, the power to establish a ‘state of exception’ (Agamben, 1998) in one of the two camps for relocated Romani people was in the hands of one NGO, not the state.

One question that this configuration of sovereignty beyond the state elicits is whether the conditions under which this particular exception was established are somewhat unique or, instead, whether this type of disaggregated sovereignty might also happen in the absence of these conditions. The situation in Montreuil was rather peculiar—a humanitarian emergency following a fire which suddenly broke out in a squat hosting 250 people, including children and elderly people. Moreover, the camp within which the exception was established was the location which received no substantial refurbishment—as the municipal authority I quoted above told me, ‘We did not have the time to carry out any refurbishment [in Camp B], because [once we were able to refurbish the camp] the families were already there’. The circumstances pertaining to this emergency, namely shortage of time and shortage of space—i.e. no other camp or space was available at that moment—were important factors.

In addition, this specific configuration of sovereignty beyond the state poses questions to at least two other ‘conceptual allies’ of this forum. One of these questions is whether, in light of informal governance in the Dutch context (Jaffe and Koster, 2019, this forum), it may be heuristic to talk about ‘disaggregated governance’. Similarly, as legitimacy may be granted by non-state actors (Fokdal, 2019, this forum), ‘disaggregated legitimacy’ might also be a helpful analytical tool for making sense of contemporary urban dynamics and their multiple similarities across policies, economies and ultimately the way that power structures urban life. Hence, the challenges from which these questions arise seem to signal uncertainties and instabilities relating not just to sovereignty.

These unstable conditions evoke parallels with the first modern experiments with governance that occurred in contexts where sovereignty was not a matter of negotiation but definitively imposed—the colonies. The case of Montreuil demonstrates an even more concrete resemblance with colonial contexts inasmuch as its camp system recalls the very first camps for civilians, first seen in late-nineteenth-century colonized territories and typically housing one ethnic group only (Agamben, 1998: 95; Bernardot, 2008; Picker, 2017: 84–106).

This observation about the importance of ethnicity allows a connection with Legrand and Yiftachel’s (2013) reflections on the peculiarity of urban informality in ethnically divided cities. It may be claimed that if in a certain context ethnic homogeneity is questioned—for example by the significant presence of a minority in need of assistance, as in Montreuil, or by imposed urban divisions along ethnic lines, as in Jerusalem and Sarajevo—sovereignty and informality may combine in unattended ways. These include a combination of informality from above (authorities) and from below (urbanites), as in Jerusalem and Sarajevo, together with informality beyond the state, as in Montreuil. Due to this contextual variety, more empirical studies on peculiar articulations of sovereignty and informality would be welcome.

Possible similarities between Sarajevo, Jerusalem and Montreuil also suggest the need for engaging critically with representations of cities in the global South, especially of their peripheries, as parallel worlds of informal, confined and discredited urbanity, and by extension of discredited humanity (Varley, 2003). Indeed, by virtue of fitting these dominant representations, cities in the wealthier North become the epitome of

formality, property and moral righteousness. Therefore, analyses of local articulations of informality and sovereignty in specific urban settings, globally linked and compared to one another, also serve as critical analytical tools for questioning these dominant representations.

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