

Workshop #4

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The street is a society:  
marginal notes from a marginal Aleppo neighborhood

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Syria's main cities, beginning with Damascus and Aleppo, are padded with neighborhoods whose housing, design, and sewage facilities, are the product of the residents themselves. Known in the common official dictum as "the zones of illicit habitat," such neighborhoods have been constructed from scratch by the inhabitants themselves, defying all kinds of rules and regulations imposed by state and municipal authorities. In that respect, such cities would fit within what Mike Davis has labeled as "cities of slums," that is, urban spaces dominated by poorly regulated habitats, where a sub-proletariat serves as the backbone for the growing globalized industries of an uneven and crony capitalism.

My project focuses on one such Aleppo "illicit" neighborhood at three interrelated levels. First, it examines the norms of the habitat created by the inhabitant themselves. The latter have to decide not only at planning their own homes, but also the infrastructures of public places, such as roads and pavements, water, electricity, telecommunication and sewage facilities. Second, it analyzes the contractual norms that lie behind the exchange and sale of properties. Since such neighborhoods fall outside state regulations, the users must create their own contractual norms to exchange property, in such a way that such contracts would eventually become "legal" and endorsed by state officials. Third, we examine the private and public norms that help construct the space of a "society of individuals." Taking into consideration Erving Goffman's motto that "the street is a society," we follow actors in their face-to-face situated encounters, which in the final analysis would pave the way to the dialogical structures that would make the existence of a "society" possible.

*Normalizing the illegal: the unmitigated disaster of Aleppo's slum neighborhoods*

There are three interrelated levels of analysis that need to be considered when it comes to Aleppo's slum neighborhoods, all of which center on the establishment of newly regulated norms and normative values.

The first set of norms are related to the habitat. Broadly speaking, what is commonly referred to in the official jargon as "illicit" constructions and neighborhoods are usually constructed either on private or public domains. Let us assume for the sake of simplicity the existence of vacant plots of land at the city's outskirts, all located within the urban "regulated planned area" under the *mukhattat tanzīmī*, which could be either private or public (state property). Before issuing any construction permits, the municipality should in principle first create a neighborhood plan, partition (*farz*) all plots in order to determine their boundaries vis-à-vis the public space (pavements, roads, schools and parks), and determine infrastructural needs (water, electricity, and telecommunications). Construction permits are then issued either for residential buildings or commercial properties. Prior to receiving a permit, however, landowners should have their properties legalized at the municipality's cadastre, in order to receive the much needed *tābū akhdar*, the green form officializing ownership.

The whole problem of the "illicit zones" (*manātiq al-mukhālafāt, al-sakan al-'ashwā'ī*) is twofold. First, the areas did not receive any formal infrastructural plan from the municipality prior to construction, which pushed residents of other areas or from the countryside to improvise their own plans and go ahead with construction at their own risks and perils. Second, ownership of the individual land plots has not been in most instances officialized either, nor have permits been issued prior to construction. Consequently, ownership tends to be "customarily" traded, with all kinds of properties moving from one direction to another based on trust and custom. That users invest so much in property and construction outside the legal norms is indeed staggering, but, as I point below, it comes as an outcome of historical, political, and social shortcomings, which have been accumulating at least since the mid-1970s. Third, the new residents would "improvise" their own plans, including decision making regarding water pipes, sewage, and electricity grids, not to mention the reception of a land phone line (the broad availability of cell phones has eased such concerns). Finally, constructed properties, whether residential or commercial, are "illegally" exchanged, based on "legal norms" sanctified by the users themselves.

In sum, there is a *creation* of "norms" at three interrelated levels. At a first most basic stage, users, once they've seized on a property, whether legally or illegally, have to plan their own homes, decide which materials to use, and even allocate portions of "their" space for public use. Even though such matters do not represent any "collective" action per se, and are the outcome of individualistic (if not poorly planned) actions, the global output is one of collectively sanctioned *normative values that regulate the habitat*, while determining its contours in the absence of an officially sanctioned "legal" framework.

Second, considering that the bulk of those properties have been “illegally” owned and transmitted, the mode of illegal transmission becomes itself a “legalized” norm of transmitting properties through the use of quasi-official or officially sanctioned documents and procedures. The present paper is mostly concerned at elaborating on this crucial issue.

Thirdly, we now approach the most fundamental aspect of the problem, that of the creation of social norms specific to the slum neighborhoods. Individual and families from totally different backgrounds, ranging from nomadic tribes to rural peasant families from the nearby countryside, not to mention impoverished urban middle class families who relocate in the outskirts, all come together into peripheral urban spaces, searching for labor and cheaper alternatives to inflated real estate prices. That’s the most intriguing aspect of those neighborhoods, whether old or new, and certainly the most difficult to pin down for researchers. How can we, as researchers, document the formation of norms in private and public spaces? Obviously, direct observation is the most crucial element, but then, as I point out in the final part of the paper through an analysis of a single case, lengthy interviews, and their interpretive work, are another aspect of the equation.

#### *The lingering regional and economic imbalances in Syrian history*

Not long after Syria received its independence in 1943 was it the subject of a coup d’État in 1949 by Husni al-Za‘im, a Kurdish officer who inaugurated the era of militarized politics. Even though Za‘im’s rule lasted for a palpable six months, and was followed by a series of coups up to 1953, the coming of the military into politics had not yet affected the *ancien régime* created under the auspices of the French mandate. In effect, from 1943 up to 1958, when Nāsir became the president of the newly created United Arab Republic (U.A.R.), the combination of élite and middle-class system that took shape in the aftermath of the dismemberment of the Ottoman Empire, had pretty much well persevered. Syria’s “first republic,” as it is often called, maintained the characteristics of the liberal spirit of the mandate, an ethos that even the military coming to power found hard to dislodge. In a strange way, the military even contributed towards the further liberalization of a repressed Ottoman élite. Thus, Husni Za‘im, in spite of his short-lived rule, managed to promulgate the bulk of Syria’s modern civil laws, beginning with the *Qānūn al-madanī* (1949) and the criminal code, while Adīb Shishaklī came up with the no-less impressive code of personal status in 1953. The important point for our purposes here is that the coming of the military into politics neither dislodged traditional class equilibriums, nor did it drain rural and urban relations, as the cities were able to absorb rural migrations without disrupting bourgeois middle-class life.

Such equilibriums would begin their *longue durée* disruptive cycles only in 1958, when Syria “united” with Egypt in what became known as the United Arab Republic. In effect, it was as if after the brief military interlude of 1949–1953, the bourgeoisie, composed mostly of the old Ottoman notables class (under the aegis of president Shukrī Quwwatlī), lost its imagination and freaked out of the political scene, giving full power to Nāsir’s corrupt bureaucratic régime. In what would become Syria’s “second republic,” between 1958 and 1970, the coming of the Baath to power in 1963 looks in hindsight as the event

that capitalized on and benefited the most from the unfortunate Union. It was at this stage that the bourgeois middle class felt deeply threatened. Not only were its financial institutions and manufacturing properties for the most part nationalized, but gradually the bulk of its rural properties were lost to small and medium peasant families in the agrarian reforms of the 1960s. It was the change in the status of agrarian properties that would eventually prompt the decisive change in the urban-rural relationships.

In Ottoman times the middle Sunni axis of the four major cities—Damascus, Hims, Hama, and Aleppo—predominated. Those cities survived thanks to tightly controlled neighborhoods, and power relations among the *a'yān-ulamā'-multazims* status groups, whose culture was a combination of sharia law, fiqh, and sufism. But even though trade and commercial relations were by and large open north towards Anatolia and the Iraqi provinces, the coastal areas on the eastern Mediterranean and its mountainous 'Alawī villages were excluded from the cycle of exchange with the central Sunni axis. Similarly, the northern eastern areas, collectively known as al-Jazīra, did not have much of trade relations with the central axis either. Towards the end of Ottoman rule, and mainly as an outcome of the Armenian massacres in 1915–16, the north-east would demographically shift to become predominantly Christian. And after the breakdown of the Ottoman Empire, Kurds would emigrate in large numbers from Turkey to the northern parts of mandate Syria. With the breakdown of the northern trade, the coastal region received more attention as the only outlet on the Mediterranean. Cities like Latakia, Tartus, and Baniyas, which under the Ottomans connected poorly with the center, began their long journey of becoming the import and export hubs for the totality of the Syrian territory. In sum, what was traditionally known as Bilad al-Sham were poorly integrated regions, divided along three main axes, and where the center one mattered the most.

For our purposes here it is important to keep in mind such regional imbalances. To begin, the revival of the north-east, which thanks to Armenian and Kurdish expertise, would become the prime grain exporting region, and the coastal region, which would develop as the main import and export hub, would gradually undermine the traditional stability of the central urban axis of the four major Sunni cities. Indeed, it was only a question of time before migration patterns—from the mountains to the coast, the countryside to the city, and from inland Turkey to northern Syria—would create new political, economic, and urban pressures. But if the major cities managed well the absorption of rural and Bedouin populations up to the early sixties, the coming of the Baath to power was undeniably the first sign of the “peripheries” imposing themselves in politics and the urban scene. It was indeed that “coming to the city” that sealed the fate of those who had been hitherto marginalized from urban culture, its politics of notables, and the modernism of its middle classes.

Even though “building on the properties of others” (*al-binā' 'ala arādī al-ghayr*) was “promoted” by peasants and small landowners who received their fair share of property in the wake of agrarian reforms, migration towards urban areas had yet not affected the cities in the 1960s. In the three decades after the mandate, the standard of living was in par with inflation, providing enough opportunities for tenants and landowners alike. More importantly, breaking the law when building on the properties of others, or building on

your own land without prior permit, were no easy matters. Cities grew out of an Ottoman tradition where the rule of law mattered to the urban élites that kept it alive through the sharia court system. That same system was further liberalized throughout the mandate and gradually adapted to the needs of an ever expanding professional middle class. It was then the early postcolonial military régimes that pushed further the liberalization of law through the formalization of codes and procedures. But if the 1950s proved anything negative it was indeed that the bourgeoisie, which had considerably expanded throughout the mandate, lacked the imagination to reenergize a now defunct political system. The bourgeois élites, which controlled the major political parties, parliament, land ownership, and the financial and manufacturing institutions, failed to properly grasp the significance of regional disintegration—in particular the north-east, which had become Syria's main source of grain production, and the coastal areas and their surrounding mountains, whose cities had begun to grow disproportionately. In short, the traditional central urban Sunni axis—the core of Bilad al-Sham—was too closed upon itself, too much absorbed in its own social stratifications, too much caught in its own manners, to be able to discern the regional imbalances since the end of the mandate.

The union with Egypt, in its heavy handed way of handling politics and the economy, undeniably represented a first warning message to the traditional élites and their middle classes. But by the time the union was over in 1961 the latter had already lost a great deal of their old vestiges through policies of de-liberalization and nationalizations. And in spite of the short-lived presidency of Nazim al-Qudsi (1961–63), which attempted in vain to regain the time lost, it looks in hindsight as though the middle classes had lost control since the late 1950s. Remarkably though the resources of cities (in terms of planning policies and basic infrastructures), the income of the professional middle classes, and the wages of state employees and workers, were good enough in respect to inflation so as not to lead to an imminent destabilization of traditional urban-rural relations.

That was about to dramatically change in the 1970s. When Asad came to power in 1970, then confirmed in a national referendum in 1971, Syria had already received its reputation for being politically unstable. Not only had it suffered like Egypt the massive defeat of the 1967 six-day war,<sup>1</sup> but, more importantly, the Baath's statist policies were a big disappointment for society at large. Thus while for the well-rooted professional (and "secular") middle classes such policies represented a reversal of the liberal trends that had been painstakingly acquired during the mandate, for the popular classes and rural populations, not to mention the 'Alawis of the mountains, they were too little too late.

When Sadat came to power at about the same time as Asad, he quickly distanced himself from the Soviets, opened Egypt to Arab investments, went on with the Camp David agreements, normalized Egypt's relations with Israel, hoping to attract more international

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<sup>1</sup> While the 1948–49 so-called "war of independence" created a massive influx of Palestinian refugees—close to a million—towards neighboring Arab countries, giving Syria its fair share in what became known as "temporary camps," which de facto translated as slum neighborhoods outside the traditional cities borderlines, the 1967 six-day war proved even more dramatic, as over 150,000 inhabitants of the Golan Heights moved to safer areas (including the outskirts of Damascus) within a three-day period, creating the largest population influx in Syrian history.

sympathy—and investments. Overall, Sadat’s policies, in his decade-long rule, attempted to curb the statist control over the economy, on one hand, and to divert the war effort towards economic, and eventually, political reforms on the other.

It could be fairly said that Asad wanted none of that, and went ahead with policies that consolidated even more the statist control over society and the economy. In the wake of the quasi-victory of the October Yum Kippur 1973 war, which brought Asad both to the attention of the Arab and international scenes (beginning with the Nixon administration), Asad consolidated social and economic policies that the early Baath of the 1960s had endorsed only timidly. Asad seems to have quickly understood that the policies of his Baath predecessors, who had brought him as minister of defense in 1967, timidly limited themselves to nationalizing key financial and industrial assets, on one hand, and in curbing the freedom of speech on the other. The dismal performance of the state industrial sector, combined with the closing of private education and increasing state violence in the public sphere, frustrated the middle classes, which must have felt terribly alienated from the various Baath régimes. The other shortcomings of the early Baath consisted in their limited performance towards the popular classes and rural populations: besides the agrarian reforms, which took a long time to mature, the marginalized north-eastern and coastal areas were still left for the most part behind. To be fair, the Baath’s 1963 and 1965 revolutions triggered a massive migration from the ‘Alawi mountains to the coastal cities (in particular Latakia and Tartus), which coincided with Kurdish and Turcoman migration to the north, on one hand, and from the countryside to the cities suburbs on the other. The problem, however, was that such movements were for the most part random and improvised, leaving them at the mercy of the state’s accommodational policies, on one hand, and the tolerance (or intolerance) of the urban classes on the other.

Asad’s genius (assuming he had one) consisted precisely in his ability to quickly seize on his predecessors’ shortcomings. Unsurprisingly, however, his method was not one of eschewing the sixties statist policies in favor of liberalization and the enhancement of the rule of law, but he rather opted for populist strategies that enhanced confessional and regional *‘asabiyyas*. It is indeed that kind of mutation, which occurred in the mid- to late-seventies, that is of interest for our topic here, that of understanding the unlimited expansion of slum neighborhoods. Such an expansion was the outcome of three interrelated factors. First, the rapid growth of the state apparatuses, whether in their civil branches (state bureaucracy, public education, and the Baath party, in addition to multiple *futuwwa* “youth” movements), or the military (the army and a mixture of privatized “presidential” militias), not to mention a diversity of intelligence agencies (*amn al-dawla*, and the various *mukhābarāt* brands). Second, with that kind of numerical push for a combination of civil and military jobs, the number of state employees soared to over fifty percent of the total workforce (compared to just 20 percent in the fifties). Therein lies the heart of the problem when it comes to the rapid urban growth and the slum neighborhoods that locked the outskirts of most Syrian cities: all kinds of individuals and families, benefiting from the newly expanded statism, migrated to the cities, and with the galloping inflation, the loss in real wages, and the rise of real estate prices, they had no other choice but to opt for the ever expanding slum neighborhoods. Finally, the state, rather than proceed with well thought out urban plans, opted for all kinds of mitigated (if

not suspicious) policies, laws, rules and regulations, that completely clogged the real estate market, making it even more difficult to exchange property legally, not to mention all kinds of impediments to receive legalized building permits. In sum, the state's reaction to urban growth was slow and clumsy at best, and littered with a proliferation of ineffective laws and regulations whose only aim was to foster abusive relations with private property, thus benefiting speculators, bureaucrats and party officials, while placing landowners at the mercy of municipal and local (regional) committees.

Before we move on to the normative rules that regulate the legalization of illegal properties, we need to expand a bit more on the three factors outlined above that eventually led to the massive urban crisis the Syrians are witnessing today.<sup>2</sup>

To begin, the present urban crisis could not be properly understood without coming to terms with a major truth, namely, that *construction initiated by private individuals has become extremely costly, due to rigid zoning laws, the hassles (caused by bureaucratic slowness and corruption, and high legitimate or illegitimate fees) that one would typically encounter at receiving the appropriate construction permits, and inconsistent state laws and municipal regulations, mostly aimed at "deregulating" private property.* In short, not only inflation is rampant, and the basic building materials (manufactured mostly by the state) are not always available, but more importantly, the transaction costs have grown considerably since the late 1970s, pushing users towards more affordable solutions, beginning with the outright revulsion against construction permits.

#### *Do-it-yourself illicit practices*

The influx of migrants towards the cities suburbs (many were would-be state employees, or at least hoping to be so), combined with rampant inflation, wage stagnation, inefficient bureaucratic norms, and rigid zoning plans, all contributed therefore to the situation of irreversible crisis that the Syrian cities find themselves into at present. But then it would be unwise not to underscore, albeit very briefly, the legal implications of it all. In effect, the urban and property laws, which for the most part were promulgated in the mid- and late-seventies, then reinforced in a series of amendments in the eighties or later, and which led to the present crisis, could be read as attempts to "deregulate" private property, with a covert endeavor to weaken even further the propertied urban groups.<sup>3</sup> Consider for instance law 60 whose purpose was initially to "take care" of urban expansion, and which

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<sup>2</sup> An anonymous article, edited and published in the web daily *Akhbār al-Sharq* (14 November 2007) by Tarif al-Sayyid 'Isa, digresses on some of the reasons that led to all forms of illegal urban expansion in contemporary Syria.

<sup>3</sup> Even though most properties are owned by individuals, and are registered under individual names, property ownership in Syria, as in the rest of the eastern Mediterranean, tend to be status- and family-oriented. Many of the rural properties in particular tend to be collectively owned as *mushā'* (or *shuyū'*), while urban properties, in order to keep up with the family ethos, are registered under more than one name. Needless to say, the state largely benefited from such collective-cum-family ownership, as it knows very well that decision making among family members slows down considerably under such conditions. Thus, abusive confiscation of properties for the "public good" became the norm, encouraged by all kinds of laws and regulations, leaving the family owners totally helpless in most instances in the face of labyrinthine court procedures.

did just the reverse, allowing all kinds of municipal and regional councils to confiscate land as they please in preparation for a five-year urban plan. But even the amendment that came twenty-one years later (law 26 in 2000), in spite of placing limits on abusive confiscation, did not contribute much at regulating that awkward phenomenon, as it is still perceived as a coerced “selling” of the properties of the well-to-do at cheap prices, far below their market value. Add to this that back in 1976 the propertied groups were hit hard by law 3 which forbade the buying and selling of properties on an open competitive basis.

The users were therefore left with a do-it-all-yourself situation where they had to create their own “laws” for “seizing” properties, constructing neighborhoods, and exchanging properties and rents. We should pose for a moment and see what is “legal” and “illegal” under such conditions. Or, rather, is “legality” the main issue at stake here? In other words, should the bulk of properties in the “sporadic” neighborhoods (*‘ashwā’iyyāt*) be looked upon as “illegal” or “illicit”?

They certainly are from the viewpoint of the official authorities who describe such areas as “zones of collective transgression” (*manātiq al-mukhālafāt al-jamā’iyya*). Within that perspective, the “illegality” of constructions in slum neighborhoods is the outcome of three interrelated transgressions: 1. absence of a construction permit. 2. building on the properties of others (private or public, including waqfs). 3. lack of an ownership contract (“the green form,” *tābū akhdar*). 4. absence of a legal tenancy or sale contract.

It should be noted that usurpation and the violation of the rights of others do not have to go through all four levels. For instance, it is possible that an actor without construction permit is nevertheless violating state and municipal laws on his/her own land: that is, the ownership is legal but not the construction project. In effect, it is quite common for users to decide to forgo the construction permit even though they already own the land. There are various reasons behind such illegitimate actions: 1. the area in question is not yet within “the organizational plan” (*al-mukhattat al-tanzīmī*),<sup>4</sup> or else it is, but the neighborhood in question has yet to be partitioned (*farz*) and various spaces delimited for public use (pavements and roads, mosques, parks, schools and hospitals). 2. the neighborhood has been partitioned but receiving the appropriate building permits proves a hazardous task, due to high fees (which even if users could afford, but nevertheless decide to override) and bureaucratic slowness and corruption. 3. it is much cheaper and affordable to bypass the law. 4. residents can come up with their own architectural designs and styles, often borrowed from the rural areas that they’ve moved from.

### *Legalizing “illegal” ownership*

When a private property is used for the sake of an “illicit” construction, the property itself could either be owned to the person proceeding with the construction, or else it could belong to someone else. In the latter case, de facto settlements could follow with the landowner either immediately (during the various construction stages) or much later

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<sup>4</sup> The purpose of such plans is to delimit “urban” and “rural” zones, in order to protect the latter from excessive abuse.

(sometimes years later). It has been reported to me by some residents that it has become more and more difficult to build on “the lands of others.” Apparently such violations were the rule back in the 1960s, when the phenomenon of “illicit neighborhoods” had just started, and when much of the terrains outside Aleppo were owned by some of the “big families” who had inherited their properties from Ottoman times. Those families, who for the most part, lived either in the city’s old neighborhoods or in modern homes outside the old city, kept farms (*mazāri*) on lands acquired in Ottoman times. With the decline in agriculture, the professionalization of the middle classes, inflation and the decline in real wages, the value of land itself became much more lucrative than its meager agricultural produce. Naturally, farmers living in those areas or in the countryside were the prime purchasers. Soon, however, the original owners realized that those new owners were not only illegally constructing on the lands they had just purchased, but even expanding their constructions on lands they did not own. Today, however, unconstructed terrains outside the city’s limits belong mostly to peasant and nomadic families, tribal shaykhs, or the *nouveaux riches* who had benefited in the last couple decades from all kinds of lucrative deals. “It is very difficult to build on someone’s else territory,” said one of the residents of a slum neighborhood east of Aleppo, “as some of these properties belong to residents in the neighborhood, or to their relatives in villages further east, or to tribal shaykhs, or to people in the city. That’s the big change from the 60s when those lands were to few families from the city, who had no contact at all with the aliens who grabbed their lands and violated their rights.”

Granted then that residents are building on their “own” lands—or at least going for de facto settlements—how do they manage their leases and property transfers? We’re here into lawless territory where the inhabitants themselves create their own norms and laws. Not only do residents have to design their homes, and manage enough space for pavements, roads, alleys, water pipes, sewage facilities, electricity and phone cables (and now fiberoptic equipment), but also figure out the “legality” (or “illegality”) of the whole business of settling in such neighborhoods.

Because they have no access to legalized contracts, the residents create their own sets of legalized—albeit “illegal”—contracts. What this implies is that in spite of the grossly illegal nature of all transactions—lack of proper permits, planning, and contracts—life goes on as normal, and residents have to live by that reality. Considering that the “green form” is a near impossibility, residents have to opt for what comes closest to a fully legalized ownership, namely, contractual settlements that grew in parallel to those imposed by the state. In themselves such contracts are neither legal nor illegal. At one level, they do what all contracts do: to describe an exchange relationship between two or more individuals. The problem here, however, is that the property that is the subject of exchange has not been legalized, and sometimes even the land upon which the building has been erected has an illegal status (for instance, because it’s public property, or is waqf, hence belongs to the ministry of awqāf).

A language has therefore to be devised to construct a terminology of exchange that would attempt to bypass the illegality of all transactions. If we see things “in the eyes of the state,” the whole process would look like a complete aberration. But looked upon from

the perspective of the actors themselves, the contractual settlements would make more sense. The process is simple enough for the layman to understand, and one should add that, ironically, it is even simpler than state procedures. In effect, had the residents followed the normalized state procedures, not only the incurring costs (on their side of the equation) would have been higher, but the bureaucratic procedures would have been more complex. From the example outlined below, it turns out that the residents, while working out parallel set of procedures to the legitimate ones, use state institutions to endorse their own “illegitimate” procedures. Yet, at face value, what the residents’ documents are claiming is perfectly “true,” in the sense that each document describes what was going on with the property: x purchased from y the following property, as described, for a specified sum; or x rented from y the following property, as described, for a specified monthly rent. But even though the provided information would be (in most instances, we presume) “correct,” it lacks “credibility” in terms of the information that it avoids spelling out: namely, that the area on which the property stands has not been partitioned (*farz*) by the municipality, nor has the landowner sought any permit to proceed with the construction.

Suppose, as with our first case below, that the building was illegally erected back in 1990 without a prior construction permit on a property that belonged to the same person who had initiated the construction. The landlord then sold his property in 1991 through a “procedural fiction” type of contract where buyer and seller exchange (false) claims that the seller sold his property, received part of the payment, and then refused to deliver (more on such procedures below). The same property was subsequently transferred from one owner to the next through similar procedures. What is remarkable then is that residents would routinely use various state agencies—in particular the “settlement courts,” *mahākim al-sulh*—to proceed with their transactions—even though at the very root of each one of those contracts lies an “illegal” act. In effect, a settlement court would take over contracts while knowing beforehand that the entire property subject to the act of exchange (either sale or rent) was illegally constructed, without any prior permit, while possibly trespassing over someone’s else property. Most of those contracts are therefore attempting to legalize either a single or double violation, or in other words, each contract sits on a single or double violation.

Hasan ‘Abd is presently a state employee at the Ministry of Petroleum, having served in its Aleppo branch for close to a decade. His B.A. degree in social sciences from Aleppo University (which he received in 2005), and various salary increases since 2000, when Bashar Asad came to power, have boosted his salary to above SP10,000 a month (\$200). A father of seven, he belongs to the Waldah tribe, and more precisely to its al-Sa‘ab *‘ashīra* branch. He shuttles weekly between his native village east of Aleppo where his parents and extended family still live, and his neighborhood of Karm al-Muyassar where he has settled since the early 1990s with his cousin-wife and seven children.

The Karm al-Muyassar (“Olive yard of Muyassar”) originally belonged to notable families (*a’yān*) who had inherited their properties from Ottoman times, and probably in this case dominated by the Muyassars themselves. Such families controlled the city’s suburbs through a system of farmed lands which in some instances served as a buffer

zone to the properties that they owned in remote villages. Only the agrarian reforms, slyly initiated by Nāsir under the Union, and then by the Baath protagonists in 1963–1965, did land ownership begin to move. It does seem that it was indeed the shifting of ownership in some of the lands in Aleppo’s suburbs from the big families to small and medium farmers which had initially prompted the illegal movement of construction within agricultural zones. Thus, small to medium farmers, who all of a sudden became owners thanks to the agrarian reforms, preferred to build rather than farm on the newly acquired properties: apparently the properties were too small and too fragmented to be worth the effort of farming. The movement accelerated in the 1970s with the state’s recalcitrant role as the largest employer of the nation.

“When I used to come to Karm al-Muyassar as a teenager back in the 1980s,” says Hasan, “it was to play football. Most of the terrains were olive yards, and there was very little construction around. I would have never dreamt to become an owner in that same area fifteen years later.” How do you become an “owner” in an area like that?

The process of ownership involves a two-step procedure which, ironically, is much simpler than what state bureaucracies would have required. The first step involves a “procedural fiction” where buyer and seller claim that the property has been purchased but the seller refused to deliver. Procedural fictions have been common at least since Ottoman times,<sup>5</sup> and they mainly serve to confirm and establish the validity of acts of sale or rent which under regular circumstances would be hard to establish. In our case here, the construction was probably completed in 1989–1990 on a land that seems to have been owned by the same person, hence there was no trespassing over another property. Having, however, constructed in an area that had no partition plan (*ghayr mufrāz*), and with no construction permit in hand, the original owner, whenever he wanted to rent or sell his property, had to go through a contractual settlement through a procedural fiction.

Today the areas of Karm al-Muyassar that had been initially partitioned (*mufrāz*) by the municipality, and those that still are not (*ghayr mufrāz*), are separated by a wide boulevard which at night shines with yellowish fluorescent bulbs. Hasan’s home is located only few blocks east of the demarcation zone. What distinguishes the two zones—the legal from the illegal—is not so much the standard of living, which in both instances is for the popular and subproletarian classes, as much as the quality of construction. While the partitioned areas are ripe with five-six floor high-rises, shops, boutiques and small manufactures, they’re faced with the more austere one-two level constructions, euphemistically referred to as “Arab homes” (*hosh ‘arabī*), for the simple reason that their epicenter consists of an inner “courtyard,” which these days is more of a covered staircase than an inner yard per se. What is characteristic of those “Arab homes” is their insistence upon looking at the inner space of the home as something totally “private,” where no eye could prey through its outside walls and windows. Even Hasan’s terrace on the top floor, which he added to the lower two floors only recently, after ten years of hard work and a couple of loans from state agencies, is completely walled to the exterior, blocking the panoramic view of the neighborhood and the city’s endless eastern expansion: “I really need my privacy here. When I sit with my wife and kids here in the

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<sup>5</sup> See my *Grammars of Adjudication*, Beirut: Institut Français du Proche-Orient, 2007, chapter 2.

summer nights, we need to breeze some air, and we don't want anyone prying at us." This desire for "privacy"—or rather the fear from intrusion—explains the unusual absence of pavements: instead, the main doors are protected through an angular stoned wall which acts like a massive curtain that blocks any inside view.

But the big divider between the two areas is the ownership title. Thus, while the partitioned western areas of the Karm have all been planned by the municipality prior to construction, and hence each property (home, shop, or manufacture) should—at least in principle—own each one individually its "green form," the eastern part of the neighborhood lacks such luxuries. If your property is legal—meaning both land and construction have received the "green form"—then you transfer it through a regular sale contract, and the new owner will receive in turn his or her "green form." The residents located in the eastern zones of the Karm have to operate differently. The first step would be a procedural fiction where buyer and seller exchange claims, and where a judge would rule in favor of the buyer, followed, much later, and only if necessary, by a quasi-"regular" sale contract. But even if the two steps have been successfully completed in a court of law, with a judge's full endorsement, the lucky owners would still not receive the illustrious "green form."

Let us first closely look at the procedural fiction. The one-page handwritten document was signed by a *juge de paix* (*qādī sulh*) from Aleppo's seventh civil court on 2 May 1994, when Hasan decided to "own" the property and transfer it to himself. Knowing that this was one of those homes "illegally" completed around 1989–1990 (even though the original terrain *may* have been legally transferred through a "green form," but that remains uncertain), he knew beforehand that the property, which was transferred to several successive owners between 1990 and 1994, could be "legally" "owned" under his own name only through a procedural fiction.

The main purpose of a procedural fiction is to come to help on an issue that could not be dealt with through regular channels. In our case here, Hasan knew that the entire neighborhood, having received no partition plans, is "illegal," and that his own property, having originally not been granted with a construction permit, is also "illegal." In a civil court in Aleppo he poses himself as plaintiff in a lawsuit against the then "owner."

Section one of the lawsuit reads as follows:

In the lawsuit dated 17 January 1994 the plaintiff claimed that he purchased from the defendant the totality of 14 shares (*sahm*)<sup>6</sup> from property number 2900, in Aleppo's tenth residential district, for a sum that the two parties had agreed upon, and which the defendant had received in toto. The defendant owns the aforementioned property thanks to a court's ruling number 451/4967 in 1993, but still has not transferred (*farāgh*) the property to the plaintiff.

We therefore request that:

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<sup>6</sup> 24 shares of a property represent its totality, that is, the full one-hundred percent.

1. a notice (*ishāra*) be inscribed on the property's form (*sahīfat al- 'aqār*).
2. to notify the defendant of the litigation.
3. to confirm the sale in his presence.
4. to remove the litigation's notice once the property has been transferred.
5. to have all fees and expenses paid by the defendant.

The first thing to notice is that plaintiff and defendant were both situated within a “friendly” litigation that they had *both* initiated, even though the court's ruling did not state that fact overtly. Herein lies the essence of procedural fictions: namely, that the litigation is not to be taken for “real,” but only as a procedure to confirm a transaction, which in this case is an act of sale. Why not then go directly for an act of sale? Precisely because the property in question is illegitimate, a direct act of sale would not work: since the property neither has a partition number nor the green form, it would not be eligible for sale through a regular sale contract. The procedural fiction, which in this case transforms the handicap into a litigation between plaintiff and defendant, totally bypasses the “legal” issue of the property's ownership.

Second, the judge's ruling notes that the defendant had owned the property since 1993, and we should add that the ownership was also an outcome of a fictitious litigation from a previous “owner.” Which means that between 1990 and 1994 the property went through at least two acts of sale, both as fictitious litigations conducted in a court of law. Obviously, judges *know* very well what is behind such contracts, and that users seek the litigation (*khusūma*) form precisely because they have to appear in front of a judge in a civil court. In effect, centered around the notion of “litigation,” procedural fictions (often referred to as *hiyal* in the old Hanafi manuals) were common since Ottoman times (if not before) for the precise reason that their formula entitled the litigants to receive a ruling in the presence of a judge. Since a judge's ruling would in most instances be irrevocable, an act of sale through a fictitious litigation carries more weight than a regular act of sale.

The second part of the lawsuit goes as follows:

In the open court hearings, the plaintiff reiterated his claims and, accordingly, requested a hearing in his favor. The defendant also acknowledged his opponent's rights in their totality, and had no objection for a ruling in favor of the plaintiff on the basis that the latter would assume all fees and expenses. The two parties agreed on that.

Considering that acknowledgment (*iqrār*) is at the root of evidence (*sayyid al-adilla*), and it has the status of contract for the acknowledger (*huwa hujja 'ala al-muqirr*);

Considering that the notice of the litigation (*ishārat al-da'wa*) has been inscribed on the property's form based on contract number 373/1994;

Considering that the court has sought the opinion of professional expertise, a visitation to the place has revealed that it is composed of an Arab home (*dār 'arabiyya*) whose main door is oriented towards the west, with two rooms, a living room, a staircase that leads to the top floor. The house, constructed in

concrete, is made for residential living, and the expert estimated that it was 20 years old;

Considering that from the ruling that the defendant ‘Abdul-Karim has brought with him to court, he owns 14 shares of property number 2900, based on a previous civil court ruling number 451/4967, issued on 31 August 1993;

And based on articles 62, 132, 200, and following, articles 99–100, and articles 148, 386, and 826 of the civil code;

It was decided,

1. confirm the present act of sale between the plaintiff Hasan ‘Abd and the defendant ‘Abdul-Karim Zayn on the 14 shares of property number 2900 in Aleppo’s tenth residential district, and the transfer and registration of the shares in the plaintiff’s name in the city’s cadastral registers.
2. retract the lawsuit’s notice as soon as the ruling takes place.
3. that payments of fees and expenses are on the defendant.

Signed on Saturday 9 April 1994 by the judge and his assistant.

What is remarkable in this document, which emanates from a civil court, is that it totally avoids the “illegitimate” (*mukhālif*) nature of the building in question. Moreover, it gives the wrong impression that the construction is perfectly legal, has a specific number allocated to it in the city’s cadastral records, and that it has been standing as it is now for at least twenty years. Of course, none of that is true. To begin, we know for sure that the 14 shares (of a total of 24) allocated to the building are neither officially recorded in the city’s cadastral records, nor do they carry the celebrated “green form” for that matter. Furthermore, since the entire area has not even been partitioned (*ufrizat*) by the municipality, the latter cannot provide maps that would delimit each property with the number allocated to it. In effect, and based on my informers’ knowledge of the area, I was told that to date (2007) the municipality has yet to prepare topographic layouts for the area at large. In other words, the municipality is left with the only choice of acknowledging such slum neighborhood as a *fait accompli*. The other possibility is a partial or complete reconstruction through a mixture of state, private, and foreign investment funds (more on that later). For the moment, however, the neighborhood lacks adequate maps, sewage facilities, water, electricity, and telecommunication infrastructures.

So the number 2900, which the suit claims was assigned to the property, is therefore totally bogus. The property’s current owner, Hasan ‘Abd (the plaintiff), told me when I visited him in July 2007, that the number 2900 must refer to the “entire area”—and even that was open to speculation (which area? which boundaries?)—and not to his “own” property. Moreover, and contrary to the court expert’s claim that the property must have been at least 20 years old, Hasan told me that he’s almost certain that the foundations and first floor could not have been completed prior to 1989–1990. In short, and at the margins of the fictitious litigation itself, lies several other “fictions,” beginning with the property’s alleged number and its age. Finally, and this in itself is a remarkable omission,

considering how important it is, we never know from the document what the *value* of the property is. Such “omissions” prove to be characteristic of procedural fictions in general. Had the plaintiff specified a *specific* sum for the transaction, the judge would have summoned him to furnish evidence: for instance, the value of the transaction, and modes of payment. But that’s not the purpose of a fictitious civil lawsuit: the aim here is *solely to confirm the act of sale*, not the value of the property and the modes of payment. It is therefore common in fictitious litigations that either no sale price is mentioned, or at best the sale price is so minimal—or “symbolic”—that the judge would not even bother for evidence. As we’ll see in a moment, the sale price becomes important only once the contact of sale is formalized.

Overall, then, the civil courts tend to be quite soft with their “illegal” owners (or tenants). Not only the formal “illegal” status of the property is never mentioned, but the judge seems to be playing the “language games” of his actors. To be more precise, the language strategies displayed by the actors (judge, plaintiff and defendant) are a combination of formalized procedures that borrow from so many sources that they look like a *bricolage* puzzle. Thus, elements of the civil code are there for sure (quoted in terms of their specific codes), and also the formal routine of a litigation (the plaintiff–defendant duo), in addition to the judge’s ruling. An essential element of the language game is what the formalized litigation “hides”: mainly, the original “illegal” status of the property, and the fact that this court of law is *legalizing a transaction on an illegal property*. The court also makes the bogus claim that the property was assigned a specific number, providing the false impression that the area and street in question, which include the litigious property, have been partitioned (*mufraz*) and the properties received their “green forms.” Moreover, the court, through its expert, claimed that the property must have been at least 20 years old, which I was assured by the owner himself, is not the case. Needless to say, the court plays in favor of its disputants, accepting their language games at face value, while leaving behind the “genuine” status of the property.

We therefore have here an unusual situation, characteristic of slum neighborhoods, and where several state agencies are working independently of one another. On one hand, stands institutions like the city’s council and municipality, which are always “late” and cannot keep up their services with the high level of demand. Planning lags behind, the fees are high, and the bureaucratic routine is merciless. On the other hand, after the users violate every law on the ground, they come to courts that are user friendly to process their litigations, providing them with a substitute to the “green form.”

### *Rethinking context*

In order to understand what at first hand seems like bipolar contradictions—the legal and illegal, the legitimate and illegitimate, and the legalization of the illegal in civil courts—we have to contemplate *how actors work their language games within specific contexts* (or “frames,” as Erving Goffman would call them).<sup>7</sup> Within each one of their situated encounters, actors are into active procedures that help them to define the situation at

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<sup>7</sup> Isaac Joseph, *Erving Goffman et la microsociologie*, Paris: Presses Universitaires de France, 1998, 102ff.

hand. Thus, for every situated encounter, actors would practice within indices of contextualization. What therefore looks at face value as irrational bureaucratic procedures—for instance, that a civil court ratifies a sale contract that lacks the proper “legal” endorsements when it comes to property rights (the green form)—could be sociologically looked upon as *contextual rites of passage transformations*. The social actors are constantly moving from one contextual milieu to another, and for each context active procedures are deployed to define the situation at hand. When for instance buyer and seller are on their own the “illegality” of their situation could be overtly stated without any need for euphemisms: they both know beforehand that the property lacks the proper “green form,” and that it has no registration number with the city’s municipality. When they both are in court, as plaintiff and defendant, for the purpose of ratifying their sale contract, the judge would know beforehand the property’s “illegal” status, and that such properties could be “legalized,” without receiving the proper “green form,” through procedural fictions. Had the property been legal in the first place, the two parties would have directly opted for a regular sale contract (see below), and then the buyer would have received a “green form” from the municipality’s cadastral offices under his own name. The irony here is that a regular legal sale contract could take as much as a year to be completed (until the reception of the “green form” by the buyer), or even more, in particular if the property has a sign (*ishāra*) attached to it from a previous lawsuit, while it’s only weeks before an illegal contract is settled in a civil court.

For our purposes here we’ll distinguish between two operative levels of contextualization.

1. *The ethnographic context* consists in this case of the *legal* expertise, which consists of the expertise of the civil courts, and that of the actors outside the system, such as buyer and seller, who in court assume the role of plaintiff (buyer) and defendant (seller). Actors mobilize their communicative resources in respect to a specifically situated context, and they *account* for their actions in respect to that same context.
2. *The conversational context and its negotiated order*. We’ve dealt above with a typical contractual settlement where buyer and seller negotiate with a civil judge the possibility of a litigation-cum-contract where the “illegal” status of the property is precisely resolved by *not* evoking it. Granted that the judge had gone through the same kind of settlement many times before, and that he was, on that occasion, only applying a “formula” that would legalize the selling of an illegal property, he nevertheless had to deploy his “contractual competence” for the task at hand.

Courts therefore do not simply come up with rules, regulations, and norms ready “to be applied.” Had courts proceeded that way the illicit neighborhoods and their contractual settlements would have been left entirely out of their adjudicative system—at least until new legislation would come at their rescue.

*Another contract of sale*

With his 1994 contractual settlement Hasan ‘Abd had secured the ownership of his new home. But he was still without regular water, electricity, and telecommunications facilities provided by the state, and, needless to say, the entire area lacked sewage utilities. It is indeed common for illicit neighborhoods to remain without state-run utilities for several years, or for over a decade. Residents would typically proceed with illicit utility connections from neighbors “on the other side,” that is, with those areas that are profiting from the state’s benevolence. As hacked electricity and phone cables are visible all over such areas, the thin metallic water pipes are barely noticeable. Residents learn how to “share” electricity and phone lines with the more fortunate residents of neighboring areas. Then, once the illicit area has fully “matured”—which, in most instances, implies that the vacant areas have shrunk considerably, and the density of the population is comparable to other crowded areas—the utilities companies step in and propose their services. In other words, planning is always piecemeal and the outcome of circumstances on the ground, rather than the product of more global plans.

But to receive the services of the electricity company, which residents look upon as a top priority, a contract of sale is needed. The document that we discussed above was more of a contractual settlement that confirmed the buyer’s ownership through a fictitious litigation than a regular sale contract. It is therefore not the kind of ownership contract that the electricity company would accept to consign a meter specifically for the house. Under normal circumstances, the “green form” would have served nicely for that purpose. When the form is not there the alternative is a less glorious form of ownership: a regular contract of sale.

Hasan ‘Abd concluded a formal contract of sale only in 2002. Even though the earlier 1994 sale confirmation through a fictitious litigation was enough for all purposes, by 2002 regular state electricity has become available, and a formal sale contract was needed in lieu of the “green form,” which is unobtainable, for an electricity meter to be installed.

The 2002 contract is much simpler than the one concluded in 1994. To begin, it comes printed on a form to be filled by the two parties. Only two witnesses sign side-by-side to the buyer and seller. The form itself is printed at a regular commercial press, and is not an official state document, even though it does for practical purposes serve as one.

Article 1 of the sale contract specifies the names of buyer and seller, the location of the property and its number, and a brief description of the construction. Article 2 specifies that the sale value was SP350,000 (\$7,000). Article 3 notes that the buyer paid the seller SP50,000 (\$1,000) as an “advance payment” (*ra ‘būn*), which would serve as a damage compensation in case the buyer defaults. Article 4 states that the seller has promised to pay all taxes and fees attached to the property, and complete all the necessary repairs by September 2002. Article 5 states that the buyer has made up his mind after carefully examining the property and all its annexes. Article 6 states that the seller has agreed to transfer (*farāgh*) the property to the buyer within a two-month period, and in case the seller has failed to deliver, his failure would be looked upon as a deliberate decision not

to sell, and he should pay the buyer as damages the sum of SP50,000 (\$1,000), without the need for any warnings or prior invocation. The buyer would then have the right to receive back his “advance payment” and put an end to the contract. My understanding of the text is that in case the seller defaults, the buyer would receive back *in addition* to his “advance payment,” an amount equal to the original, or a total of SP100,000 (\$2,000).

Article 7 states that if the buyer defaults, in addition to losing his “advance payment,” he should pay the seller for damages SP50,000 (\$1,000). The seller would be given the option to annul the contract, or to confirm it, or to pursue the buyer in court. The final articles 8 to 11 are on fees and expenses.

The 1994 and 2002 contracts obviously represent different language games. The two had to be devised either separately or in combination to one another in lieu of the “green form,” which was impossible to obtain. Thus, while the 1994 contractual settlement was explicitly devised—in the form of a fictitious litigation—to confirm the act of sale, the 2002 contract was more straightforward, and its sole purpose was to make the owner eligible for basic state utilities (electricity, water, and phone services). The fictitious litigation in the 1994 contract prompted a court’s hearing and a judge’s ruling—hence its importance—while the regular 2002 sale contract did not—hence its value is more formal. Indeed, as the judge’s ruling carries the stigma of authority, and is hard to revoke, users opt for such a prestigious and more reliable cachet over a regular sale contract.

### *The grammars of a microsociology of neighborhoods*

We have now reached the most emblematic level—that of understanding the norms that guide social relations in such neighborhoods. When asked about what “guides” them in their daily lives, residents would drop the “tribal factor” (*al-‘āmil al-‘ashā’irī*) on the top of their head. But what exactly are the “tribal norms” or “values” and how do they affect such an “urban” environment? The well-established residents of Aleppo’s old and middle-class neighborhoods typically rebuff claims that the slum neighborhoods have anything “urban” into them, as it is commonly assumed that their new residents bring “tribal values” with them from their villages and nomadic lifestyles.

The so-called “tribal factor” ought to be taken seriously by researchers for a variety of reasons. To begin, the residents of the peripheral shanty neighborhoods keep strong ties with their villages and tribes, and a nexus of economic relations grows between the city, its periphery, and neighboring villages. As visits to the village are quite frequent—at least once a month—their significance is more than economic, as it fosters the traditional values associated with the countryside and nomadic life.

Second, as family relations are taken seriously, marriages tend to mimic kin relations within the family or tribe, which means some predominance to the paternal cousin’s marriage, a preponderant importance accorded to the *mahr* (as a way to discourage multiple marriages), which could be worth the price of an apartment and is factored on the value of gold vis-à-vis the Syrian Pound, and finally, a predominance of “customary marriage contracts,” which are officially registered only once the couple needs to (for

instance, for their kids to be accepted in public schools). Moreover, when migrating to the city, the tendency is to choose a neighborhood where some of “our kin are already there.” However, even though some of those neighborhoods are outweighed by specific tribal affiliations, urban settings are too complicated, and economically non-compliant, for a “continuous” tribal affiliation that would ideally cover juxtaposed areas, which de facto scatters kin members all around the peripheries. But, in the final analysis, residents know how to find their way out through a “mapping” of the territory in terms of various kin affiliations.

Third, kin relations could be strong enough to regulate public behavior. During my last visit to Hasan’s neighborhood in July 2007, a young man was stabbed to death a couple of nights before in the wake of a fight with a small youth mini-gang in the same neighborhood. Apparently, the “elders” from each clan took rapidly control of the situation, and within 24 hours handed in the culprit to the police; the latter were informed of the killing only *after* all inter-clan settlements were over. Hasan transformed this event into an anecdote, as evidence of the strength of conventional clan ties over state institutions, beginning with the police. It would be fair to say that in some instances clan ties “take over” or “replace” the tasks of state institutions: the police only move in *after* the decision was *internally* made to deliver the alleged “culprit,” and obviously as to who ought to be delivered as “culprit.” (At times, it’s a minor that is delivered as “culprit,” on the basis that penal laws would put him on trial under mitigating circumstances. Court hearings transcripts, however, often point that the judiciary rejects the minor-as-alibi thesis, dragging the trial into years of back and forth bargaining between the minor’s kin and the court authorities.) That’s particularly true of neighborhoods where the municipality only engages in de facto planning, and where basic utilities are available only years, sometimes decades, after the residents have moved in and settled.

Fourth, clan relations could be influential in the job market. To simplify, residents have either to find jobs in the neighborhood itself, or in close neighborhoods, or else in the city at large. Many of the new slum neighborhoods, such as Karm al-Muyassar, unlike the northern Kurdish neighborhoods with their small to medium textile and shoe export-oriented manufacturing facilities,<sup>8</sup> generally lack decent manufacturing hubs. Instead, the available jobs tend to be oriented towards the direct neighborhood’s needs (construction, carpeting, carpentering, and car repairs and maintenance), and which are occupied by a high percentage of male teenagers. As clan relations tend to make a difference for the local neighborhood jobs, or even for the other close neighborhoods where the clan has some presence, they’re overall irrelevant for the city at large, in particular when it comes to state employment, or for jobs in the manufacturing zones (Kallāseh, ‘Arqūb, ‘Ayn al-Tall, Shaykh Khudr, Hulluk, Bustān al-Bāsha, and the industrial zone). Some small to medium manufactures, located in the north-west of Aleppo, have larger proportions of Kurds than average, due mostly to the proximity of Kurdish neighborhoods, and because

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<sup>8</sup> In Kurdish neighborhoods, where clan relations have broken down, prostitution is on the rise. That’s particularly true of Shaykh Maqsūd, considered as the hub of prostitution and drug trafficking. The northern Kurdish neighborhoods have strong connections with the region of ‘Ifrin, a conglomeration of 366 villages.

of the superior skills of Kurdish young men and women. Kurdish women, due to weaker religious and clan pressures, enjoy higher employment rates.

Fifth, clan relations have some influence on the routines of daily life. That's the most difficult level to pin down and understand. I would like to propose here a preliminary set of sociological categories, situated within the sociology of action, that would eventually serve for a more thorough individual or team-based research on slum neighborhoods.

*Frame.* Harold Garfinkel quirkily stated in his early work (which has been recently published) that an actor acts based on a "cognitive style" that would allow him or her to assess, understand, and react to a specific situated encounter. By assigning the "actor" to a specific situation, Garfinkel is attempting to delineate the "actor" from the (philosophical) "person" or "individual," while showing that the actor's cognitive framework is only geared towards *that* situation. The notion of "frame," which was introduced by Erving Goffman in one of his latest and most compelling works (*Frame Analysis*), assumes a "cognitive style" through which actors would practically understand and organize their social experiences. A frame thus helps actors in orienting themselves while interpreting and evaluating a specific situation.

The notion of frame could be crucial for a multi-layered understanding of illicit neighborhoods. To begin, we've noted the importance of what actors describe as the "clan factor." Because it is "all over," the tendency among researchers would be to develop a general regulating matrix where the "clan factor" would be all over the place: from marriage, the habitat, neighborhood life and recreation, to securing a job in the labor market. The notion of frame by contrast avoids reducing actions to a general regulating matrix of sorts, be it the clan or the economy, as it situates the cognitive capacities of actors within situated encounters. We've seen for instance how, in the absence of state regulation (due to the "illegitimate" labeling that has befallen on such neighborhoods), residents have to "legalize" their "ownerships" (or tenancy rights) through a number of contractual settlements that require actors to interpret the situation at hand. Thus, in the absence of the "green form," users could opt for a "regular" "illegitimate" (the second type-contract analyzed above) type-contract that would work just fine under some circumstances (e.g. to receive basic state utilities, if available), but would be looked upon as a "weak" "proof of ownership"—hence the usefulness of a fictitious litigation (the first type-contract analyzed above). Actors therefore learn for which type-contract to go based on the frame that would determine which contract would be relevant for them at a particular juncture.

*Context.* What determines a specific context are the available resources within a frame, which users assess based on the indices of the situation. When users come for example to a civil court to ratify a contract of sale (type-contract #1), they know beforehand that their home is situated in an "illegal" zone, and that the building itself is therefore "illegal." They nevertheless do come to a court of law, knowing that the act of sale would be legalized through a fictitious litigation. Thus when the user poses himself as a "plaintiff" he knows that he is not one per se, but he indexes his action within the frame of the "legal context" of the civil court. "Legalizing the illegal" achieves therefore a more meaningful

strategy once understood within the notions of frame and context: the users are simply “legalizing” an action that transfers the property from seller to buyer, while avoiding, however, any mention of the non-availability of the “green form” for the property that has just been transferred.

*Involvement, commitment.* Actors become involved and committed once they assume a “role” within their “communities.” The intensity of an involvement and its significance would vary considerably from one framed context to another. Let us assume, for instance, that some individuals, whether young or old, assume the dubious role of “clan coordinators” within their own neighborhoods. They could thus intervene and offer their services for things as diverse as a contractual settlement, or a sewage problem, or a fight that has erupted among a group of teenagers. As those are different situations, which would obviously need the mobilization of different resources, the same actor would not participate with the same kind of involvement and commitment, even if the “clan context” is played in everyone of these situations. Moreover, the “clan context” would in all likelihood play very little, if at all, once the actor moves outside the neighborhood, say, for his daily job in the state bureaucracy: his involvement there would be limited to the bureaucratic context which generally assumes different resources than neighborhood interactions.

*Face.* The social value that a person claims through the line of action that she adopted during a situated encounter. To stick to our example above, when a neighborhood resident adopts the role of “clan coordinator,” it would not be enough for him, in the context of a situated encounter, to simply claim that “he belongs to clan X, and he is only acting as coordinator for the benefit of the community.” Such a claim would constitute the “social value” at work in an encounter, but since the “face” is neither located inside nor outside an individual, nor in what actors overtly state or claim, but in the flux of events within a particular framed context, which finally determine the “value” at stake: hence the social value (face) is never stated once and for all, but always in a flux.

*Face-work.* The common expression “to save one’s face” implies that, during a situated encounter, one has to adopt a certain posture, as a protective gesture, and to come to terms with possible dangers in a particular situation. The “clan coordinator” could adopt tough or soft stances, and his posture must find the right equilibrium based on the situation he finds himself into. Again, and in relation to traditional kin sociology, microsociology does not operate within a broad notion of kin that would absorb all the daily strategies of the lifeworld. It instead follows actors in their situated encounters, pointing to the postures that they adopt and the maneuvers that would ensue.

*Interaction.* The reciprocated actions that the protagonists exchange as individuals, teams, or as groups, and which could be located in public (the street) or in private (at home), are in themselves either focalized interactions—involving direct conversations and face-to-face work—or non-focalized, for instance, street interactions. The latter are particularly rich in slum neighborhoods, as streets and empty lots (parks and public entertainment spaces tend to be absent) are filled with small age-based “buddy teams” (even though age is not necessarily the determining factor). But while male teams could

be present at every street corner, pavement, or empty lot, complete with mats, chairs, narghiles, trictracs, food and drinks, women are more private and sit together in public only at their home's main entrance. Children, who are all over the place, play the go-between among age groups, men and women, homes and families, and neighborhood zones and their clan divisions. Children pose easily for photographs; they would even pursue the photographer until their photo is taken—and with digital cameras, they must see the snapshot immediately. Men consider that posing in public in front of a camera is an act of pure manliness, something that women cannot do. Indeed, men often challenge the photographer with “provocative” poses, and by calling them directly: it's the *anonymity of the encounter* that is at stake here, the kind of anonymity that a woman cannot afford—not even with a female photographer. Girls, by contrast, until a certain age, when they are still not wearing scarves or veils, would also do the same as boys (or grownup men), that is, until ages 12 to 14, when the culture of shame steps in and isolates them in the space of the household. Bedouin women usually do not veil themselves completely—only urban women do—and their attire tends to be more vibrantly colorful.

A “foreigner”—or someone *perceived* as such due to body language and attire—is like an “intruder” who is shamelessly gazed at by everyone in the street: men, women, and kids. As that whimsical feeling of “foreignness” is instantaneously bestowed on the bearer, he or she could be openly asked questions about their origins (*nasab* or *nisba*), nationality (if suspected to be non-Syrian or non-Arab), whereabouts, current residency, profession, and the reasons for being in a shanty neighborhood “like this one.” Such an overt *openness* is indeed characteristic of such neighborhoods, as “privacy” means more “the inner space of the home,” than, say, that of a “private (bourgeois) individual” with rights and duties towards himself and others. In other words, the notion of a *public privacy* is here practically inexistent. As a decent fraction of the men has served in Lebanon, either as workers or in the military (or both), in the last 30 years, the *anonymous individualism* of the people in the street is what strikes them the most over there: “that you walk around, and no one—no one—looks at you, is what's most amazing in Beirut,” said a young man, while comparing the attitude of people in his own shanty Aleppo neighborhood. However, gazing at a woman from the neighborhood is inappropriate, as it can be even looked upon as a deliberate act of provocation. But a woman “from the outside” is another story, in particular if the “outside” is further from “home.” In similar vein, looking at your neighbor's home from the inside privacy of your own home—or, worse still, from your veranda—is more than inappropriate. Indeed, there is a parallelism between the sacredness of woman-as-*hirma*,<sup>9</sup> and that of the inner space of the home: as the latter is perceived as feminine, it is de facto the space of honor, and if trespassed, then that “honor must be washed” (*ghasl al-‘ār*), for instance, through an honor crime, which in Syria is acknowledged by the courts as such. “Private,” if it means anything, is therefore that of the “interior” feminine space of the home, and certainly not associated with an abstract right of individual privacy. (See Pierre Bourdieu's structural analysis of the house of the Kabyles in *Esquisse d'une théorie de la pratique*, Geneva: Droz, 1972.)

*Public order.* An order that is founded on the right to look (*droit de regard*), which implies that others give us that privileged right to look at them, and to react accordingly.

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<sup>9</sup> From *harām*, what is sacred.

What Goffman labeled as “the presentation of the self in everyday life” is an outcome of the right to look and looking back at one’s self, or, in other words, how the self constructs (an image of) itself through the looks of others.

Not looking at a woman of the neighborhood, and not gazing at the inside of a neighbor’s home, are instances of public order. In such instances there is no notion of “self” that would be “universal” enough to be abstracted from the common concerns of clan honor, trespassing over a woman’s virtue, and the dynamisms of tribe and clan, and their urban-rural connections. As the self has a hard time distancing itself from the group at large, team behavior dominates in particular among men. Men-in-teams of all ages—a phenomenon referred to as “office”-work, *maktab*—occupy street corners and empty lots, home and shop entrances, mosques and sufi orders (if available), enjoying that *endless* right to look in public. Their coming in teams (s. *farīq*, pl. *furaqā*) of sorts is a combination of kin and labor factors: shopkeepers, for instance, use their shops—or, rather, the front pavement—as meeting spots for men, whether employed or not. As lots of young men are either employed with very low salaries, or benefiting from sporadic employment, or have been unemployed for years, the *maktab* has become their favorite occupation for gossip and street observation.

Creating an “autonomous” private and public self independent of the group at large could therefore prove an arduous task. Hasan told me how a man he had known for some time started regular visits to their home, only to show interest in his eighteen-year eldest daughter who had just passed her baccalaureate, and soon asked her for marriage. But as his daughter did not manifest any interest, he decided not to pressure her: “For my generation, marrying one’s paternal cousin, as I myself did, was imperative. But not only I think that none of my seven kids will go in that direction, they will take time and make their own choices. I won’t force them into anything—not even the girls.” Granted that Hasan’s daughter has more room for herself than her mother did, she still has a long way to go before she gets that autonomous space of her own, as much of the public order does not yet see individuals in terms of their private rights.

### *Privatizing slum cities?*

Recent news reports have indicated that the Syrian government has, for the 121 or so illicit zones (*manātiq al-mukhālafāt al-jamā’iyya*) and their estimated 11,000 hectares of illegally constructed areas, struck a deal with a private Saudi company totaling \$440 million. The General Habitat Company (*al-Mu’assassa al-’amma li-l-iskān*), considered as Syria’s prime public company, is the main beneficiary of the joint adventure that the government has worked out with al-Oulah (“The First”), a private real-estate Saudi company. Out of the \$440 million budget that is set for the new real-estate joint company, 30 percent would go for the Mu’assassa and the remaining 70 percent would be in the hands of al-Oulah. It remains to be seen, however, how the newly established joint Syrian and Saudi public-private adventure will concretely actualize its work. Considering that the zones labeled as *mukhālafāt* are illegal from the state’s point of view, the Iskān could, for instance, propose new plans for each one of the illegitimate 121 zones, which could imply either a partial or total destruction of the built areas for the purpose of

infrastructural rehabilitation (*ta'hīl*). It remains unclear, however, whether the residents themselves will have any voice at all: Will they be simply “fairly” compensated and then asked to leave? Would there be compensation settlements where both parties—the tenant-owner and the new joint venture—would compromise for a fair price (*bi-l-tarādī*)? How will the compensation schemes work out concretely, and who will decide what are fair and unfair policies?

There might be several reasons behind the government’s policy shifts, assuming that the aforementioned joint venture will see light as planned. First, raving reviews in the last decade—and more and more are published on web services—have indicated that the slum cities that strangle the main urban areas are nothing but “timed bombs” waiting to explode. Damascus itself has 38 illegal zones (out of the 121 on the national scale), whose projected area ranges from 30 to 50 percent of the capital’s urban neighborhoods. Second, as 85 percent of construction sites are in private hands, and as the state seems to be slowly withdrawing from its old socialite policies of the 1960s and 1970s, the tendency would be to look for a “solution” to illicit neighborhoods among private investors. Third, considering how close they are to the legitimate zones, some of the illegal areas have become financially quite lucrative, prompting official authorities and private financiers alike to look at them as zones of capitalist investment, rather than as social drawbacks. The official authorities may thus have opted to open those areas to local, Arab, and foreign investors, hoping that in the meantime the illegal tenant/owner would move to other areas, which in itself would throw us back to the infernal cycle of constructing in agrarian areas without prior authorization.