
Legitimacy, Placemaking Claims and Urban Cross-boundaries

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Introduction

In this article I discuss the contributions made by the book recently edited by Italo Pardo and Giuliana B. Prato (2019) on *Legitimacy: Ethnographic and Theoretical Insights* (henceforth, the *Legitimacy* book) to the fields of political anthropology and urban studies. I will illustrate my arguments based on cases drawn from my own ethnographic work. Pardo and Prato include research carried out in many cities worldwide where agents adjust, accommodate or reject institutional powers claiming their engagements with codes, norms and values linked to their practices of placemaking. Using a novel approach, the book addresses legitimacy as a moral and cultural entitlement to deal with formal and informal power relations. I found this book particularly insightful in illustrating how urban scenarios reflect an inextricable interweaving of interests, attachments and competing normative systems. The exercise of urban governance is uneven, and urban dwellers are constantly engaged in coalitions and cleavages crossing the boundaries between legality and illegality in order to regulate their own affairs and demand their own rights. Cities include zones of deregulation and places of survival that provide opportunity, for ‘vibrant, desperate inventiveness and unrestrained profiteering’ (Comaroff and Comaroff 2006: 9).

Legitimacy and Placemaking Entitlements

The *Legitimacy* book discusses legitimacy as a culturally-based entitlement that residents believe derives from their placemaking processes. The cases presented show how structural powers shape social and cultural practices, but also how shared values and beliefs can defy official powers when legitimated by urban dwellers. In the words of Pardo and Prato, ‘ambiguous and conflicting grassroots moralities emerge and challenge current and future forms of local governance’ (2019: 14).

Cities and urban spaces have always been devices to organize space and control social groups, privileged sites for political intervention. Furthermore, urban informal and official regimes of power and value determine the ways in which agents, objects, resources, discourses, ideas and practices may or may not circulate. In this interaction with landscapes and local, national and global forms of governance, agents produce the ongoing processes of their social life (Ingold 2011: 7). As Ingold states, agents are not only immersed in the currents of their own involved activity; they produce the paths of their becoming (Ingold 2011: 12).

Legitimation of urban actors’ actions, however, depends on formal as well as capillary aspects of power relations. As Abraham (2019: 17) and Boucher (2019: 201) demonstrate, residents defend their legitimate place through lived practice. As stated by De Certeau (2000), legitimacy comes from the appropriation of space; that is, creative and everyday procedures

and movements following social formalities, rules and interests. Residents invent regulations of what is appropriate and what is not, and their places of residence become part of their image and reputation (Hurtado-Tarazona 2019, Boucher 2019). Meeting the point made by Pardo and Prato (2019: 18), very often I found in street scenarios that communal loyalties outweigh legal codes and people engage in illegal actions.

As shown by Hurtado-Tarazona (2019:148), residents' feelings of collective belonging (Lovell 1998: 2 and 6; Abraham 2019) and ownership provide political engagement as well as practices of distinction and status to overcome structural limitations. As Boucher (2019: 201) puts it, individuals who inhabit some places are associated with them physically or symbolically, and these places also end up bearing the qualities of these individuals. This explains why residents often feel entitled to defend the traditional ways in which they have been producing and taking care of their neighbourhoods.

Urban sociability, politics and legitimacy are built around neighbourhood, class, ethnic and religious allegiances (Koechlin 2019: 221-223) but also around mutual recognition going beyond the boundaries of neighbourhood, family and kin. Such is the case of persons who do not necessarily know each other but share common tastes and practices and create networks of regular acquaintances (Magnani 2012: 276-277).

I will illustrate these reflections using two examples. The first draws on research undertaken in 2011-2012, in which my colleague Adriana Parias and I used participatory methodology to invite dwellers of Usme, a locality in the south of Bogotá, to design a project aimed at recovering the Tunjuelo river basin (which passes through their neighbourhoods) from pollution and gang violence (Salcedo 2013). We worked with women from two of the locality's neighbourhoods: Ciudadela Nuevo Usme and El Oasis. The first of these neighbourhoods was created collectively; people built their own homes and fought to gain access to services such as water and electricity. They organized strikes to influence authorities and held communal events to collect the funds required to build the church and park that identify community in the urban context. The second neighbourhood is home to 'affordable' residential complexes where apartments were purchased with state financing. There was a significant divide in this locality on the periphery of Bogotá between people who considered themselves autochthonous peasants who had inherited small houses together with plots of land, and poor migrant workers who had fled violence in other regions and subsequently resettled there. The city government used the recently-built apartment complexes to relocate evacuees from a series of floods in 2009 and people who had been living on downtown streets and were enrolled in public programmes for rehabilitation and housing. In the face of rapid urban expansion and environmental degradation due to the proximity of a major landfill and the mining of sand and gravel, the city government wanted to protect what was left of the green environment. A plan for urban expansion in the locality was called Nuevo Usme and called for the construction of 53,000 new housing units over the course of 20 years. However, while excavating for a residential complex in 2008, Metrovivienda (the real estate company that has recently provided affordable housing in Bogotá) found extensive pre-Hispanic graveyards with the presence of human remains. An

archaeological team from National University was called in and found a major necropolis and place of worship dating from the 12th to the 16th century A.D., built by the *Muisca* people, who had inhabited the high plateau now occupied by the Bogotá conurbation. This discovery led to the modification of the plan that designated this area for urban expansion and development, and protected the site as national patrimony. Strengthening a long tradition of peasant and communist resistance, many organizations and groups proposed a buffer zone of transitional development to attenuate urbanization, as proclaimed in the slogan: ‘We are a unit of wealth, we are urban rural, we are a unit of resistance. The South rules.’ In their struggle for autonomy, they acted from what they called the ‘culture of popular habitat’, an identity politics based on environmental awareness, respect for ancestral *Muisca* wisdom and care for nature. For them, identity has nothing to do with formal city laws, often imposed by external authorities. Rather, it has to do with a new agrarian urbanity focused on environmental, cultural and educational programmes. They take pride in a posture that defies the dominant evaluation in the city that they are nothing but poor and uneducated residents of marginal communities (See also Hurtado-Tarazona 2019)

In contrast, I will refer to a second investigation that Ana María Forero, I and others undertook in 2013-2015 (Forero et al. 2016). We conducted this research in an upper-class neighbourhood created in 1960 by entrepreneurial provincial and local élites who knew each other and convened to create a quiet, pleasant and beautiful urban space in a situation in which partisan violence was ravaging most rural areas in the Colombian Andes. With the benefit of personal contacts and informal acquaintances we carried out interviews to explore the history of the neighbourhood, residents’ attachment to their homes and the production of their living standards. Walking around the neighbourhood, we observed technological devices installed to provide security to individual houses and at points of exit and entrance to the development. Residents have worked collectively through the Santa Ana Homeowners’ Association on three fronts to protect and maintain a lifestyle characterized by beauty and harmony, security, the protection of nature and urbanism as a positive interaction with the built environment. Participants in the Association were legitimized by most residents as high achievers with sufficient prestige and moral authority to represent the interests of the community. As stated by the woman who has led the homeowner’s association for more than four decades: ‘they will not wait for the state to do something, they will do it’. The Association successfully obtained an official designation for Santa Ana as an exclusively residential neighbourhood, exerted pressure on the National Police to install a substation in the neighbourhood and impeded the installation of a water main that the city government had planned to run under the neighbourhood. More recently, they hired a private company that has implemented a security scheme based on an accurate monitoring of vehicular access, video recording of suspicious or threatening behaviours, monitoring of pedestrians not yet identified as gardeners, nannies or maids and motorbike patrols to monitor the streets. For decades, the neighbourhood has had no homicides or robberies, a phenomenon unmatched anywhere else in Colombia. On a second front, concerning the protection of nature, the Association has programmes to protect trees they

planted 50 years ago and install new trees to replace any old trees whose health is endangered. Based on a notion of nature as discreet and manicured decor, they created a green corridor where people can breathe fresh air and exercise, complete with ramps suitable for getting around in wheelchairs. On a third front, they established an Ornament and Urbanism Commission to protect and restore architectural ‘jewels’ and houses that represent the architectural heritage of the sector. New buildings and renovations require not only regular building permits but also the approval of the commission, an additional legal requirement. This case shows how the founders of this district have created a social order and code of conduct based on good taste and discretion but also on subtle mechanisms of social control to keep out people who do not fit in their civic model. Through mechanisms of legitimacy and social connections they have found ways to circumvent municipal norms by closing off streets with barriers and installing security kiosks at exits and entrances. By standing as a civic example and a sustainable model of participatory urbanism they have been able to impede densifying city plans and high-rise development, and they have persuaded new residents to comply with the community rules that have proved effective in reproducing and maintaining their status and privileges.

In these two cases, residents who occupy widely divergent social statuses in a socioeconomically segregated city like Bogotá engage and claim rights tied to places which they have helped to build and in which they have invested collective efforts and struggles (See the case discussed by Krase and Krase 2019). In the first case, people from the poorest population sectors in an area with enormous environmental value opposed the city’s plans and urbanization processes, which they perceived to favour predatory private interests to the detriment of their own well-being. In the second case, residents from extraordinarily affluent groups used their social connections to oppose recent city actions and use the regulatory framework to counter city planning policies aimed at stopping the production of such privatized exclusive residential areas. With the benefit of their social standing and over four decades of activity of their homeowner’s association, they have been able to preserve and protect their green, safe and beautiful neighbourhood. In the following section, I will discuss how both grass-roots efforts and a privileged homeowners’ agenda have tapped into legal instruments to win acknowledgement of their place-based rights and claim legitimacy over the parallel social orders that they have created.

Crossing Legality and Illegality

The research results brought together in the *Legitimacy* book unsettle liberal theories around law, citizenship and the state by documenting the ways in which legitimacy is built in socially and culturally sensitive urban contexts. As pointed out by Jean and John Comaroff (2004: 192), the ‘alchemy’ of law lies in its magical power to achieve political ends, create civility against disorder and provide a sense of membership to disparate subjects under a harmonic commonwealth. Law as a modern government device imposed as a universal truth for human betterment dictates the limits between what is official and legal and what is chaotic and lawless.

However, it does not consider the social mechanisms of legal disapproval or acceptance or the honour codes, solidarity and reciprocity among groups and lives located in unequal positions of power (Salcedo and Salcedo 2017: 551). As the *Legitimacy* book demonstrates, ordinary people living in large and small cities find legislation cumbersome, difficult to understand and ambiguous, and see it as implemented arbitrarily or reflecting double standards (Pardo and Prato 2019: 8; Pardo 2019: 68-72). There is a growing opposition and even indignation (Sarfati 2019) to the rhetoric and implementation of formal power, a discontent with bureaucratic structures and regulations issued by top decision makers. Rather than stemming from a unified or monolithic apparatus, urban governance emanates from a complex redistributive network that operates through reciprocity, patronage, clientelism, family and ethnic and religious loyalties in an uneven distribution of rights and benefits (Koechlin 2019: 223; Uherek 2019; Holston 2008: 7).

Many groups located in different positions of power oppose, challenge and negotiate the legal policing and normalization of their cultural practices and beliefs. The ethnographic material included in the *Legitimacy* book problematizes citizenship as equality and freedom before law and invites us to think of legal spheres as frictions and negotiations amidst hierarchies of power and gender, class and ethnic boundaries (Salcedo and Salcedo 2017 :13). By showing how power does not operate only vertically and how urban planning decisions and implementations are not separate from everyday micro-urban practices, this book demonstrates that urban governance and social relations are co-produced. This explains the way legitimacy is socially constructed as a two-way relationship between rulers and ruled, and point out that it ‘not exclusive to the official world; it is critical but not confined to bureaucracy, government and the law’ (Pardo and Prato 2019: 7).

In contemporary cities, there is an increasing discontent with authorities, local bureaucrats and urban experts. There will be no consent or hegemony in Gramscian terms but instead accommodations and negotiations of different social groups amidst the prevailing neoliberal economic order and the globally widespread reality of abuse and corruption. People living or working on the streets have understood that legal does not necessarily mean moral or fair and that choosing illegal paths to solve everyday problems or conflicts does not necessarily imply that they are engaged in evil deeds. Disempowered actors may act illegally in some spheres of their lives and legally in others while meriting legitimacy in the eyes of their peers or community members, just as the powerful and government agents are often involved in corrupt and criminal actions covered by the manipulation of the law. People do not equate what is moral with what is legal, and they often differentiate the legal from the legitimate (Pardo and Prato 2019: 7).

Far from a uniform formulation of legal norms, different ethical systems and legal pluralism coexist in urban scenarios (Mollica 2019). The law often proves inefficient to ensure the transparency of governance and the control of corruption, whereas everyday people deploy a multiplicity of informal personal and affective ties and forms of exchange in order to live and work rather than resort to legal contracts or regulations. Urban settings are privileged scenarios

for understanding how residents transform legal definitions and rules and how they equate the legitimacy of customary actions with that of formal legal actions (Pardo and Prato 2019: 17).

I will illustrate this point using two examples borrowed from my earlier research projects on street vendors (Salcedo 1996) and sex workers (Salcedo et al. 2010, 2015). These actors are constantly transiting between legal and illegal spheres and negotiating their daily lives with agents other than political or government bodies. In the first case I was interested in understanding informal agreements that were made to cope with the fear of crime and delinquency among vendors who were selling sweets, snacks, magazines, lottery tickets and newspapers from small stalls allocated by the city along public sidewalks, and pedestrians who passed by, walking to offices, shopping for groceries or going to coffee shops. Since the 1930s, street vending has been a sensitive activity for intervention by Bogotá's city authorities, who have instituted controls and regulations through the Popular Vending Fund (Fondo de Ventas Populares), including affiliation of street vendors to unions and associations, the issuing of licenses, permits and IDs and health regulations regarding food sales, but, more importantly, the designation of areas where stationary and mobile vendors could set up stalls or circulate. In the early 1990s, the city launched a campaign to recover public space that was increasingly being 'invaded' by informal selling and parking. According to some vendors, the street environment was worrisome at dawn because of the sudden arrival of menacing people including gangs and people who through their postures and gestures effectively expelled vendors and pedestrians. Street vendors became attuned to signs of danger, such as young people wearing a particular style of trainer shoes or black jackets where they could supposedly hide knives. They established tacit agreements of reciprocity with gangs of thieves under the terms of which vendors would not snitch on the gangs and the gangs would not rob the vendors. Pedestrians learned to walk quickly and show no fear, even though they dreaded having to get from one place to another (Salcedo 1996, 1998). Vendors' appropriations of small sidewalk areas by custom and, in some cases, as a result of having traded on the same spot for decades challenged the city government's attempts to control the informal use of public space through permits and registration. Through intimidation and menacing displays, thieves displaced pedestrians and suppressed the use of these public spaces, rendering useless the efforts of the police and the municipal authorities. Over the years I came to understand the coping strategies of street vendors in dealing with the spatial limits for informal selling: many build their own merchandise boxes or pushcarts in such a way that they can move quickly and easily when they see police approaching.

My second example illustrates the dialectics and semantics of space produced by sex workers in downtown Bogotá. In 2009-2011 I adopted an ethnographic approach to study this issue together with my students in Santa Fe. This neighbourhood was built in the 1940s as a residential area; over the years it has become one of the few legal red-light districts in Bogotá and one of the main drug-selling points in the city. In this context of multiple and interwoven formal, informal, legal and illegal activities, many actors dispute, negotiate and impose the use of spaces and the circulation of merchandise by controlling the rules of social control and the

terms of local violence (Salcedo et al. 2010). In an attempt to manage risk, disease and moral guilt, the demarcation process associated with urban planning has designated parts of this area as a High Impact Zone (Salcedo 2015: 57) linked to the presence of heterosexual and transsexual women. It was also designed to protect the moral integrity of residents who have opposed these ‘undesirable behaviours’ for being ‘a threat to family morals’. The legal and technical demarcation of this area follows the logic of the reticular division of urban land which imagines that activities match legal categories. It contrasts with the way in which these women transit and drift (Perlongher 1999) between sidewalks and indoor spaces often run by powerful actors who are connected with drug trafficking, paramilitary groups and the police. For the city government this designation of zones enables a close control of sex workers, including health controls, firearm controls, the promotion of human rights in cases of physical abuse or violence, campaigns for the use of condoms, hygiene and safety conditions in spaces where their business is conducted, the affiliation of sex workers with the state healthcare system, and the obligation of business owners to report cases of abuse of their workers and of violation of their rights. For sex workers these streets were ruled by a hierarchical chain of power relations and the related codes of respect, violence and security. ‘Money is king’, as many usually put it. At the top of this chain, drug dealers and intermediaries impose silence as a main method of surveillance. At a lower level of the hierarchy stand administrators of the larger businesses where prostitution is practiced and the police patrols who pass by and, once they get their cut, pretend to see nothing. Clients are free to come and go, but many fear to be exposed to STDs, robbed by women hiding knives, or fall victim to extortions and blackmail that undermine their standing with family members or colleagues at work. Among the sexual workers there is an intricate rivalry based on age, beauty, socio-racial condition and gender and sex boundaries: demand for young transsexual sex workers makes them more valued in the local sex market, and they are in competition with heterosexual women for work territories. Many women who work in the sex trade reported that there is plenty of envy and conflict; at the same time, the moral economy of this field includes a form of mutual care and reciprocity that contributes to establish ties of solidarity. During the 1990s, before this market was monopolized by powerful drug-dealing forces, older women who had earned respect over the course of time controlled certain territories, whereas recently-arrived women were submitted to beatings and abuse until they demonstrated that they knew how to defend themselves in the street. Younger workers paid older women a fee to remain in the area. With time, older women became their ‘mothers’ and younger women their ‘daughters’, and they looked after each other when ill or in need of assistance. Many workers created strong affective bonds with their peers, calling them sisters. In this environment, legal norms are reduced to intermittent imposition of bureaucratic control, health checks and prevention programmes, while effective power and respect are earned through to the logic of money, physical violence and struggles for prominence (Bourgeois 1996: 8). The legalization of prostitution in this area has brought more protection for heterosexual and, particularly, transsexual women to circulate without being insulted and harassed. At least they now know that they do have rights to fight for. Personal protection and care, however, are

provided by the kinship system that they have created; a system that, as I have indicated, entails both abuse and care, love and envy. They increasingly appeal to the legal system to defend their right to be on the street or to denounce physical violence and abuse.

In the two cases that I have described, streets are the sites of a quintessential lawlessness and a criminal underworld. At the same time, there is no absence of law, informal norms or microsocial regulations. Using the threat of violence, powerful actors impose their vigilantism and street justice at will, creating contested sovereignties and jurisdictions. Informal street vendors appropriate portions of public space claiming that they have been there for years, and they do so in spite of official efforts to recover public spaces for collective use. Applying the cynical but pragmatic rules of the street, vendors prefer to come to tacit agreements with criminal gangs in order to protect their income and their right to work. They know that a formal complaint to the police could mean a death sentence. In the case of sex workers, the police contribute, informally, to maintain spaces for prostitution where drug-related business and money laundering are intertwined with official interventions based on spatial demarcations for sex work and legalized prostitution. This has helped to endow vulnerable sex workers with rights while having virtually no effect on abuse and exploitation. In this dialectic of law and disorder, the discourse of rights for sex workers contrasts with repressive and brutal actions aimed at destroying sites where illegal drugs are sold, as in the case of the demolition in 1999 of 49,000 acres containing the oldest houses in Bogotá.

Concluding Remarks

The provocative discussion on legitimacy based on the ethnographic research undertaken in the various urban contexts discussed in the book edited by Pardo and Prato (2019) has resonated with my own research to consider further the fallacy of clear-cut distinctions between the legal and the illegal, the formal and the informal. What the authors in this volume state — and I join them in this endeavour — is that abstract liberal theories do not elucidate the multiple layers of norms and social orders that intertwine in urban scenarios. Significantly, in the first two cases that I have discussed, dwellers of self-constructed neighbourhoods legalize their illegal plots of land whereas workers and internal migrants access legal state loans to obtain affordable housing. Both groups legitimize their claims as bearers of rights fighting for a dignified life in a healthy environment. By demonstrating competence and education, they participate as legitimate actors in the public sphere who defend their territory from powerful private interests with the capacity to manipulate real estate law. An association of wealthy homeowners claims placemaking rights based on the legitimacy that fifty years of social standing and prestige have endowed on them. They do so in order to achieve a long-lasting betterment of their residential neighbourhood, even if this often implies the privatization of privileges and spaces, and violations of or contradictions with existing municipal law.

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