

# In a “Half-dark, Half-light Zone”: Mobility, Precarity, and Moral Ambiguity in Vietnam’s Urban Waste Economy

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## Abstract

*This article discusses the everyday practices of a mobile network of migrant waste traders originating from northern Vietnam, locating them in an expanding urban waste economy spanning across major urban centres. Based on ethnographic research, I explore how the expansion of the network is foregrounded by the traders’ dealing with the precarious nature of waste trading, which is rooted in the social ambiguity of waste and migrants working with waste in the urban order. Characterised by waste traders as a “half-dark, half-light zone”, the waste economy is unevenly regulated, made up of highly personalised ties, and relatively hidden from the public. It is therefore rife with opportunities for accumulating wealth, but also full of dangers for the waste traders, whose occupation of marginal urban spaces makes them easy targets of both rent-seeking state agents and rogue actors. While demonstrating resilience, their practices suggest tactics of engaging with power that involve a great deal of moral ambiguity, which I argue is central to the increasing precarisation of labour and the economy in Vietnam today.*

**KEYWORDS:** Waste, Precarity, Mobility, Labour, Morality, Vietnam

## INTRODUCTION

ONCE HAD A discussion with Thu and Ngoan, a couple who owned a waste depot in Hanoi, about the issue of cheating in the waste trade. Once, Ngoan bought three million *đồng* worth of copper bars that looked relatively new, with the brand name properly imprinted on the bars, only to find out later that they were filled with lead – the bars had been custom-made to be sold to waste traders. Relating several other incidents in which their friends were tricked into buying fake wastes, Ngoan said: “There is so much cheating, all possible kinds and ways of cheating. If you are not careful, you’ll go bust”. Thu nodded in agreement, saying: “You really need to be vigilant. The problem is that when you find out [about the cheating], there is no way to report the swindlers since it is a clearly undefined legal realm. They could just say that it was a

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consensual transaction [*thuận mua vừa bán*]. Waste categories are ambiguous; there is no law behind them. It is a ‘half-dark, half-light zone’ [*tranh tối, tranh sáng*], that’s why.”

After a pause, he continued: “But then if it were not like that [ambiguous], we wouldn’t be able to make our living either. If it were all straightforward [*cứ thẳng thàng ra*], there would be no doors opening for us to do our trade”. Thu’s reflections are apt in portraying the illicit dealings and dangers commonly confronted by waste traders and the waste economy as a whole, a mobile economy that is unevenly regulated, made up of personalised ties, and relatively hidden from the public. They highlight the precarious conditions under which this economy has been unfolding through the continuous movement, revaluation, and remaking of people and material. Thu also hinted that the ambiguity has enabled them to accumulate wealth, enough to build a large modern house for their family of five, and set up a commercial livestock farm in their village. As I will show, waste traders themselves take an active part in the making of this “half-dark, half-light zone” through actions that sometimes push the boundaries of what is morally or legally legitimate. In previous works, I have documented how these migrant waste traders from a rural district in Vietnam’s Red River Delta, which I refer to as Spring District, have been able to carve out viable spaces of economic life in urban centres as rural migrants working with urban waste (Nguyen 2016). The waste economy is rife with opportunities for accumulating wealth, but also full of dangers for the traders, whose occupation in marginal urban spaces makes them socially inferior and easy targets of rent-seeking state agents and rogue actors. Their dealings with these actors reveal certain patterns of everyday tactics that are immersed in moral ambiguity, which is intertwined with the fuzziness of waste as a social category and labour migrants as transient citizens (Alexander and Reno 2012; Nguyen 2016).

In this article, I highlight moral ambiguity as being central to the precaritisation of labour and the economy in Vietnam today, tracing the wider linkages and mobilities within the waste economy. I suggest that the ambiguity underlines a moral life in flux that arises out of the conjuncture between market forces and the commodification of state power. The article draws on ethnographic fieldwork conducted over one year (2011–2012) in Hanoi and Spring District, as well as yearly follow-up visits. In 2015, I conducted another two months of fieldwork, during which I tracked five families from Spring District down to Ho Chi Minh City (HCMC), where they have set up waste depots in recent years. The article also draws on more than a decade of engagement with issues of labour, migration and rural development in Vietnam.

The migrant waste traders portrayed in this paper originate from a rice-growing district in the Red River Delta; many remain official residents in their villages even after decades of working in the cities. Their venture into urban waste trading started to take on a regional dimension in the 1990s when the Vietnamese economy began to grow steadily, offering work opportunities hitherto

unknown in the servicing of growing cities. As elsewhere in Southeast Asia, peasants’ embrace of migrant livelihoods, either seasonally or over longer periods, has always been a feature of rural life since the colonial period; yet the magnitude of the new mobility has been unprecedented (Gourou 1955; Nguyen and Locke 2014). As Hewison and Kalleberg (2012) point out, the industrial and service sectors into which Southeast Asian agricultural labour moves are largely characterised by precarious work, and unlike in post-industrial contexts, people’s experiences with precarity do not represent a transition from a more protected life-work constellation. If precarity can be defined by a combination of insecurity, uncertainty and vulnerability, agricultural production is *per se* precarious, even more so in a time of increasing market and climate instability (see Tappe’s article in this issue for a discussion of precarious indentured agricultural labour in pre-colonial and colonial times). For the peasants-turned-waste-traders from Spring District, as for most labour migrants in Southeast Asia, it is a matter of living between different kinds of precarious lives. Rural policies aside, if the precarity of peasant life lies in the unpredictability of the weather and market prices, that of a migrant waste trader has more to do with their weaker power position in the city and the ambiguity of waste as a social category. Migrant livelihood exposes them to greater vulnerabilities, yet gives them some possibilities to counterbalance the precarity of agricultural production. At the same time that waste traders lament the “precarious” (*bấp bênh*) nature of their work, there is a sense of empowerment at being able to negotiate the unequal power relations and risks that define their particular occupation. Over time, a mode of living in precarity – with which people navigate their lives in the underbelly of expanding cities or new frontiers of capital – emerges from people’s everyday practices in dealing with the unsettling conditions of mobility. Departing from the analyses that characterise precarity in terms of existential vulnerabilities or class antagonism (Butler 2004; Standing 2011), my account joins other articles in this special issue in underscoring the resilience of Southeast Asian labour migrants in the face of the precarity that is co-produced by the state and the market.

## PRECARITY, MOBILITY, AND MORAL AMBIGUITY

There is a growing literature on precarity (its derivatives include *precarity* as a condition or overriding concept, *precariat* as a person or a group, *precarious* as an attribute of labour or a system, and *precaritisation* as a process). The concept was popularised by researchers who refer to processes of restructuring in post-industrial contexts in which, increasingly, the prevalent forms of labour are short-term, casualised, and little protected by either employers or the state (Allison 2013; Molé 2012; Standing 2011). These conditions, they argue, are foregrounded by changing ethos of state or corporate welfare that increasingly transfer the responsibility of care to individuals, families and communities

(Muehlebach 2012). This post-Fordist take on precarity is limited to post-industrial societies, without much attention to the fact that even in these societies, Fordist production is a historical phenomenon that was prevalent for a couple of decades until end of the last century, and over a longer historical span, insecure employment has been the norm (Neilson and Rossiter 2008). Beyond the realm of employment, precarity has also been used to refer to the general destabilisation of society, which is “engendered by a wide range of processes and, as it extends across space and time, also materializes (differently) in social, economic, political and cultural spheres” (Ettlinger 2007: 324). According to Muehlebach, it is about “how a set of factors, including increased economic uncertainty, the loss of state (and corporate) provisioning, and ‘massive violence, marginalization, and injustice; environmental devastation and industrial recklessness; stunning hubris and shrill ignorance’ have eroded not just labor and the state but also the possibility of life itself” (Muehlebach 2013).

In much of the discourse on precarity, we could detect certain structures of feelings in which despondency, anxiety and loss predominate, feelings that closely relate to terms like vulnerability, uncertainty or insecurity, but which each word on its own cannot convey. More importantly, precarity has an analytical advantage over other terms because it “explicitly incorporates the political and institutional contexts in which the production of these conditions occurs rather than focusing on individualized experiences” (Waite 2009: 421). Yet this advantage might be lost if the term is used as a descriptor for an existential condition of human beings, or an all-encompassing social problem affecting almost everyone. I concur with Waite that the term is useful analytically only insofar as it focuses on groups of people with particular social locations or labour market positions to expose the social and political mechanisms that produce and sustain their conditions. In this article, I highlight the precarity induced by the social positioning of migrant waste traders, which is at once characteristic of Vietnamese labour migrants in general and particular to their occupation with waste. An institutional framework that punishes rural people on the move and a moral framework laden with ambivalence underscore the precarity of labour mobility in Vietnam today. As with the other articles in this special issue, my ethnographic exploration sheds light on precarity at the level of lived experiences and everyday tactics (de Certeau 1984; Nguyen and Tappe this issue). Attention to people’s everyday tactics allows us to see that for them, precarity is concurrently a threatening condition and one that affords them a certain sense of empowerment; it can be both disabling and enabling. While it breeds danger and insecurity, it also offers opportunities and promises that keep people persisting in what they are doing. What is more, migrant labourers take part in reproducing it through their daily engagement with power, sometimes through the very relations of patronage that they cultivate with powerful actors.

## LABOUR MOBILITY AND PRECARIETY IN PRIVATISING VIETNAM

Although an enduring feature of peasant livelihoods in Vietnam since colonial times (especially in the densely populated Red River Delta), labour migration has become more essential to rural livelihoods following the economic reform (*đổi mới*) of the mid-1980s. The reforms formally did away with central planning and state subsidies, opening the way for the development of a market economy and global integration, even though the one-party state remains. Urbanisation and labour-intensive industrialisation have been the mainstays of the state’s development agenda, triggering massive flows of migrant labour to the cities and industrial centres. As agricultural production decreases in value and the costs of living increase, millions of people born in rural areas have been migrating to these cities and centres for employment and livelihood opportunities; almost 14 percent of the 90million-strong population are migrants, mostly rural-urban (GSO and UNFPA 2016). Apart from the large numbers entering factory employment in industrial centres, many have joined the urban service sector (small trade, street vending or manual labour) as self-employed persons or household businesses (Anh et al. 2012; Endres and Leshkowich 2018; Luong 2009).

The liberalisation of the economy and the labour market has coincided with the restructuring of the social contract between the state and the family, which shifts responsibilities of care and welfare onto the latter (Barbieri and Belanger 2009; Nguyen and Chen 2017). The rural household regains its autonomy in production, while assuming greater burdens in matters of reproduction; the costs of education, healthcare, and childcare increase rapidly with the advancement of market-oriented mechanisms of financing, costs that are no longer redeemable through small-scale agricultural production alone. While the massive mobility of labour from rural areas is, in the first place, people’s response to this changing social contract, it has also been embraced by rural people as a step toward building a better life following decades of strict social and mobility regulation. Migrant labour is indispensable to urban economies and industrial development; indeed, it has been the driving force behind the rapid development that Vietnam has seen over the last several decades (Le et al. 2011; World Bank 2016).

At the same time, their uncertain social and institutional statuses have led to the creation of a migrant labouring class whose well-being is heavily circumscribed by the institutional framework of mobility (Nguyen and Locke 2014). The household registration system that ties people’s access to social services and rights to their formally registered place of residence ensures that rural migrants work in service of the cities without incurring them much of the costs of reproducing their labour, much like in China and in the border economic zones of the region (Arnold 2012; Arnold and Pickles 2011; Lee and Kofman 2012). As an instrument of delineating citizenship, the household registration system has similar effects on rural migrants as on the migrant workers in the border economic zones of Southeast Asia in that it reduces the responsibilities

of both the state and employers for their well-being (Arnold & Pickles 2011). The party-state's resistance to reforming this divisive system suggests continued intent on retaining those categories that are aimed at discipline and control. If colonial governments intentionally made migrant labour precarious to accumulate capital and discipline the labour force (Tappe 2016), the intersection between state development agenda and market-oriented motives continues to produce precarity today. Not only is labour mobility instrumentalised for development at the cost of labour, but the precariousness of that labour is also institutionally sustained for the sake of an economy increasingly embroiled in global systems of production (see Alipio this issue; Arnold and Pickles 2011; Nguyen and Locke 2014).

While their labour is essential for maintaining urban life and order, labour migrants are often seen as transgressors into urban society, or, worse, as polluters of urban social and moral order (Leshkovich 2005; Nguyen 2015; Turner and Schoenberger 2012). In the eyes of the modernising state, the presence of rural migrants in urban spaces is undesirable and needs to be done away with; this can be observed in the heavy-handed approach to street vendors in city beautification campaigns (Endres and Leshkovich 2018). This institutionalised ostracism affords state agents significant arbitrary power in regulating the presence and movement of migrant labourers in urban spaces. The arbitrary power of state agents is one of the most prevalent precarity-inducing mechanisms in the experiences of migrant waste traders from Spring District, whose work in the grey zones of urban economic life heightens the likelihood of being subjected to such power. As their trading network expands over greater distances and their mobility trajectory becomes more complex, they have familiarised themselves with underground actors whose practices are less than benign.

### **SPRING DISTRICT'S WASTE NETWORKS: MONEY, RECIPROCITY AND DISTANCE**

The rice-growing Spring District, about 140 km from the capital of Hanoi, lies in the Red River Delta. Over the last several decades, a large number of local peasants have engaged in the migrant waste trade, dealing in recyclable waste materials from urban households and businesses. Originally a niche sector for a small number of households, the trade has now expanded into extensive networks in urban centres, involving thousands of people (DiGregorio 1994; Mitchell 2009). Apart from the unstable market prices that go up and down with the boom and bust cycles of the global economy, difficulties in securing long-term land rental (or tenure) in the city, as well as urban hostility, make waste trading an inherently precarious kind of migrant livelihood (Mitchell 2009; Nguyen 2016). Further dimensions of precarity are produced in the linkages that Spring District people entertain with various actors in the waste economy,

such as local state agents or tricksters and criminals, actors that they are inevitably exposed to when their networks grow in scope and geographical distance.

The networks of Spring District people centre on three main types of occupations with waste. These include (1) itinerant junk traders (door-to-door buyers), women and men specialising in different kinds of waste; (2) depot operators, who often operate from a rental storage site to buy from itinerant traders; and (3) waste transporters, who own mini-trucks, transporting waste from depots to large buyers or recyclers located outside the city centre. Since Hanoi and other northern cities have become saturated with waste depots while urban developments are pushing out depot operators – who take advantage of temporarily available sites in central locations – more and more families from Spring District have left for the south. Apart from the industrial cities of the southwest, Ho Chi Minh City, the largest urban centre with growing urban construction and high consumption, is becoming Spring District people’s most important frontier. Whereas Hanoi is relatively close to their home village, allowing for the circular migration that many households are practising, Ho Chi Minh City is more than a thousand kilometres away. Therefore, families who intend to set up a waste depot there tend to relocate together. Since waste depots are banned in the inner districts, they are commonly found in the outlying districts of the city. Hardly anyone from Spring District migrates to Ho Chi Minh City to work as itinerant traders; itinerant traders found there often come from other regions.

As a result, the waste trade in Hanoi is based on denser rural networks of kin and village ties, whereas in HCM city, it emerges out of relationships between depot operators from Spring District and itinerant traders coming from various places of origin, many from the central coast, northern mountains, and southern regions (e.g. Thanh Hoa, Vinh Phuc, Vinh Long provinces). Longer distances have implications for the configurations of the network, especially in terms of the strength of moral economic ties. In Hanoi, itinerant junk traders sell their purchases to particular depot operators, who in turn seek to maintain the itinerant traders’ loyalty through home visits to the village in case of family events, or gifts of rice and home-made products. The truck operators in Hanoi also cultivate regular contacts with a number of depots or recyclers through similar reciprocal acts. In HCM city, network relationships are much more distanced and largely governed by money and pricing. When a family opens a new depot there, they have to buy in at high prices for some time in the beginning to attract the itinerant traders, even if this means that they forgo any initial profits. It is a tacit agreement that for every million *đồng* worth of waste sold to the depot, depot owners are obliged to “gift back” about 20 thousand at the end of the year (about 2 per cent of the transactions), topped off with an air ticket home for frequent sellers. Depot operators in HCM city often emphasise how upfront the itinerant traders are in demanding their year-end bonus (which averages 3–5 million *đồng* per year, amounting to 25 million in one case, indicating the much larger volume of waste traded in the south). Some itinerant traders in HCM city “surf” (*lướt*

*sống*) among depots, selling their purchases to as many as possible in order to maximise the bonus. While this does not escape the eyes and ears of the experienced depot owners who make sure that the “surfers” know such behaviour is not welcome, it is a challenge that takes newcomers some time to overcome.

In Hanoi, waste transporters are often men from Spring District whose families own a waste depot; the mini-truck is often an added-value extension to the depot after years of saving. The men operate their own mini-trucks and hire additional labour for loading when necessary. Meanwhile, in HCM city, the truck drivers who come to fetch waste from the depots tend to be hired labourers themselves; their employers own a number of vehicles, dealing in a much greater volume of waste. I met one large-scale dealer in HCM city briefly, a Chinese man and resident of the city who exports waste directly to China via informal cross-border trade. According to the informants, many large-scale dealers in HCM City are Vietnamese-Chinese people who have been in the waste trade for a long time. Depot owners there seem to conduct more straightforward transactions with these dealers and are rather uninterested in their personal backgrounds. This is different from Hanoi, where the cultivation of personal relationships is vital, and payments for a load of waste can take some time to arrive after the trucks have gone because of stronger home-place ties in the network. In general, the configurations of the waste networks are shaped by distance and the mobility patterns of households. The further in the south Spring District people are, the less their networks depend on village ties and the more they function through the mediation of money. Moral economic ties based on home village connections apparently reduce transaction costs and sustain village sociality in the city, which is important for migrant life; these ties are diluted when waste traders transact more with strangers and have fewer home-place connections to fall back on in places further away from the home place. The geographical expansion of the network thus adds new dimensions of precariousness to their work, and the greater role of money in mediating the transactions represents an adaptive mechanism.

Meanwhile, the difficulties of setting up shop in a place far from home do not seem to deter Spring District waste traders for whom HCM City, a vibrant urban centre of high consumption and ever-growing construction, is fast becoming a new frontier of opportunities. One informant told me her parents decided to go south after several years of slack business in Hanoi. Having mobilised 60 million *đồng* from the extended family, the father had declared to their relatives in the village that they were determined to make it and would never return if they failed. By now, several other families from the extended family have followed their examples, operating waste depots in different parts of the large city. The necessity to adapt to new places and social contexts is taken as a given, as suggested by Nhung, a female depot operator and mother of two small children who were born in the city: “Each place has its own customs. When entering a house, one has to do like others in the family do [*nhập gia tùy tục*]. But we



have our trading skills [*nghe*], we are not afraid. Wherever we go, we’ll find a way to do our trade”. Nowadays, in Spring District, peasant households talk about packing up and going to another place to open a waste depot (*mở bãi*) with a non-chalance that can surprise people of institutionalised professions such as government employees or academics. Part of this enterprising spirit is a readiness to take for granted the precarious nature of migrant livelihoods and the knowledge that to do their trade anywhere means dealing with the dangers of a zone of ambiguity, which is “half-dark, half-light”, filled with illicit dealings and patron-client ties in which they are often in a lesser power position.

### THE DANGERS OF AMBIGUITY: STATE AGENTS, THUGS AND COUNTERFEITED WASTES

Ms Thắm and Mr Tịnh are in their 60s and own waste depot on one of the highways leading out of West Hanoi. Having operated waste depots for years and set them up for their two sons, who now own depots in the inner districts of Hanoi, they are familiar with the ins and outs of the trade. Their decision to move to a less profitable location away from residential and construction areas of the city was due to them feeling older, unable to deal with the stress of relocating frequently and managing relationships with urban neighbours, landlords and local officials. Out on the highway, rent for land is cheaper and long-term, and the distance to government offices discourages local officials from frequent visits. “The youngsters [their children] still have their strength, and they are more resourceful than us, the oldies. They can handle these things, and shall continue to work in the inner districts because there is more business there”, said Mr Tịnh. The couple told me stories of their children dealing with different kinds of local authorities, something that they themselves had to do on a daily basis when they still operated in the city centre. For example, the local policeman often asks their sons, who own mini-trucks, to transport things for him for free, on top of demanding regular payments.

In HCM city, Mrs Lan, owner of a waste depot in District 12 of HCM city, laughed out loud when I asked if they have similar problems. She said, “Oh, they come as frequently as you squeeze the lemon [*đều như vắt chanh*, something one does every day for drinks and meals]. There are all sorts of them. From the head of the residential group, to the local police, the commune’s security groups, the traffic police, the self-governing committee of the residential area, to the environmental officers. All want a little bit of money from you, and at the end of the day it amounts to a lot of money that you have to pay to them”. Refusal to comply with the insistent demands for payment could result in confrontations in which not many people are ready to engage. At times, when the demands exceed the limits of what they view as “reasonable” (*vừa phải*), people do challenge the

extortion of those in power, as suggested by the following account of Mr Mai, a war veteran from Spring District who owned a depot in HCM City:

You know, all these types [of people working as local authorities], they want some payment from us. The head of the residential area [*ấp trưởng*] demands 200,000 a month. They can talk really well and convincingly. They would evoke this law, that constitution, every possible legal argument. They try to find fault with everything you do in order to get you to give them some money. So after several months of paying the *ấp trưởng* 200,000, I was annoyed. I told him I am not paying anymore. I have to work my back off to earn a living. I have to pay the rent, the electricity, the water, and all sorts of things. When I came to liberate Saigon, you were not even born. Why would I have to give you 200,000 for nothing? Later he summoned me to his office to give me a fine or something, where his deputy asked me to write down my case. So I wrote that I am a veteran, now making a living, and there is nothing in the law of this country that says that I am forbidden to trade waste and so on. Then he looked at what I wrote and seeming quite taken aback that I am a veteran, he commented that my handwriting was beautiful. But the *ấp trưởng* stopped asking me for money afterwards. You know, they just try to check you out, and if you are not strong, you pay.

Mr Mai's act of defiance indicates that there is space for negotiation with power in these transactions, but this space is bounded by people's position in the social order. Being a war veteran continues to carry some symbolic significance in Vietnam, especially because the legitimacy of the party-state rests largely on past and present causes of national defence; Mr Mai's main bargaining chip in this instance lies therein. Unlike Mr Mai, however, not everyone could draw on such symbolic capital; most waste traders would rather pay the various sums to maintain a friendly relationship with local authorities. The latter have the power to declare waste trading and the discarded material they deal with as out of place and themselves as deviants in keeping with urban order and state regulations. This is especially the case because of the status of migrant waste traders as residents who, without household registration, are considered transient in the city and whose entitlement to participate in urban economic and social life is at best not clearly defined (see also Arnold 2012). The ambiguous spaces of the waste economy clearly harbour ample opportunities for state agents, who keep avid eyes on the likelihood of extracting rent from traders.

The ambiguity of waste as a commodity and legal category also underlies the problems that the waste traders have with rogue actors in the waste economy, such as the counterfeiters of waste that Thu and Ngoan mentioned at the beginning of this paper. Rather than random incidents, producing fake waste is a widespread practice, and organised into systems that include specialised producers of

fake wastes and a network of distributors. The fake wastes come in all varieties, but are often items known for containing certain amounts of highly priced metals, such as copper. The items are made to look like used or leftover materials from particular products well-known to traders (e.g. the colour and brand name of a standard type of wire, the first several metres of which would be filled with the right kind of metal). A trader told me that she once bought a big truckload of large used batteries from a specific local brand (she normally knew how much lead each of these batteries would contain). After the truck left, she discovered that except for the few that she was given to examine, the whole load had been emptied of the metal and filled instead with cement.

Waste materials come in highly differentiated grades of quality. For instance, there are twelve different grades of plastic, three grades of copper and four grades of paper, all with significant price differences. The cheapest kind of waste plastic, which barely makes the last recycling round, was priced at 3000 per kilogram, but the best kind fetched 11,000 per kilogram in 2015. Fake waste items are thus sometimes made to have the look or carry the brand name of a product with a higher grade of material. Waste counterfeiters clearly have intimate knowledge of the waste trade and what waste traders look for in their purchases. What is more, they are skilled performers whose make-believe skills sometimes get the better of the most experienced of traders; almost every depot owner has had one or two of such encounters. The driver of the battery truck mentioned above staged a convincing sale, telling the waste trader that he had secured the batteries from an unauthorised person working in a factory, giving in to a lower price than normal and quickly leaving the scene.

The sale of fake wastes to traders links the waste economy to a huge economy of counterfeit goods in Vietnam, in which one can find the forged version of every product of market value. Unlike the counterfeiting of a Gucci bag or a Burberry clothing item, which capitalises on the conspicuousness of these brands, waste counterfeiting takes advantage of the inconspicuousness of waste materials, which are often hidden in castaway objects. Since waste counterfeiters are on the move and continuously change the range of their fake goods and selling tactics, waste traders need to be constantly watchful. Meanwhile, the profitability of their trade depends on their access to multiple sources of waste, including unexpected offers from passers-by that could double the monthly turnover of a depot. This makes it difficult to rule out potential waste counterfeiters completely. In HCM city, the traders I met with said they encountered counterfeiters more frequently than in the North, where the waste network is more centred on home-place connections and less on transactions with strangers.

Another major issue arising from the ambiguity of waste is exposure to stolen goods. Waste traders are aware that it is illegal to trade in stolen goods, which could cause them trouble with the police, but it is not always easy to determine whether goods have been stolen, and all the while they could be arbitrarily declared as stolen by a state official. One informant told me of an incident in

which he had recently bought 100 kg of cables from someone. Soon after the seller walked out of the door, having pocketed the payment, a policeman appeared, apparently having been tipped off about the transaction, wanting to fine them for dealing in stolen goods. He ended up paying the policeman an amount worth more than the profit he had made from the cables. In another case, Ms Thắm's son once bought 300 kg of iron waste from the guards of a bridge under construction. The police stopped him and imprisoned him for the night, beating him into accepting that he knowingly bought stolen goods. Later he was brought to court, and the family bribed several people who promised them they would make sure he would not go to prison. In the end, Ms Thắm's son was declared not guilty, the iron was determined waste by the court, and they only had to pay a small fine. The bribe had cost them 41 million *đồng*, although they were not able to say for sure if the payment actually led to the court outcome.

Such fluidity in the demarcation of waste makes it difficult to categorise it legally, while its value can be widely interpreted for different purposes as a commodity, an asset or worthless; thus, it is open to interpretation as a kind of “unregulated free commons” (Alexander and Reno 2012). This ambiguity not only creates fertile ground for the rent-seeking behaviour of state agents, but also is a zone in which gangsters compete for control, sometimes violently. The thugs (*đầu gấu*; literally “bear-headed people”) operate in places with a high concentration of waste (for instance, in an area with a high rate of demolition or construction). They might block the gates of certain construction sites, and anyone who tries to enter to buy waste is beaten or threatened away. In some places, they ask for a fee for the waste purchase. One informant said he had to pay 300,000 for every tonne of iron waste he bought at a particular site. In certain parts of Hanoi, a thug by the name of “Doggy Thanh” (*Thanh chó*) is notorious for controlling waste collection and purchases at large construction sites.

After relating multiple stories about the risks of being in the waste trade, Ms Thắm once said to me, “This occupation is very precarious [*bấp bênh*], you know. There are all sorts of unexpected dangers. We are people of ‘low necks and small voices’ [*thấp cổ bé họng*], and we bear the losses if there is any trouble”. Her statement neatly summarises how the power position of labour migrants figures in the precaritisation of their lives and work, a position that is underscored by the ambiguity of waste and the transient state of being on the move, which makes them vulnerable to the abuses of both those in power and rogue actors. Indeed, the rent-seeking behaviour of state agents is a major precarity-inducing factor – not only in Vietnam but also in other regional contexts, as suggested by the other articles in this special issue (see Balčaitė this issue, Gruss this issue, Tappe this issue). At the same time that such conduct subjects people to the arbitrariness of power, it enables the flourishing of the very rogue actors that state power is supposed to contain. Nevertheless, the following vignette suggests

that in engaging with power, waste traders take an active role in reproducing the “half-dark, half-light” zone that they loathe operating in.

### WHO MAKES THE LAW? THE COUNTERFEITING OF LEGALITY

It was 4 a.m. and still dark in the cool early April morning. The truck was inching forward at about 20 km/hour on the highway, even though early traffic was flowing. Hân, the 31-year-old driver, operates a waste depot together with his wife on the edge of central Hanoi; the truck belongs to them. They have access to the iron waste of a workshop that produces iron gates, and he can transport a load to a recycling village around 30 km away about 15–20 times a month. Sitting in the front seat next to Hân, I could feel the engine working extremely hard, like somebody trying to push a heavy load up a steep hill. The culprit was the overload: The truck weighed 2.2 tonnes, and when almost filled up, as it was that day, it weighed 4.6 tonnes, practically carrying three times the legally allowed load of 0.8 tonnes. Hân mentioned that his truck, like the other waste transporting vehicles, had been reinforced so that it could withstand a much bigger load; without the reinforcement, the truck would break under such weight. Despite his reassurance, I was rather concerned about our safety, as it felt like the vehicle could break down at any point. In any case, the reason Hân had to leave so early in the morning was not to avoid the traffic police on account of his overload, as I had assumed, but to make it more convenient for him to “make law” (*làm luật*; i.e. paying or accepting a bribe) with the latter – he could not simply drive on the highway with such weight without them noticing. The traffic police had been receiving much public criticism for letting truck drivers operate overloaded vehicles in the city, even after a regulation on the weight limit of trucks was introduced. It is therefore convenient for the police to “make law” (collect bribes) in the early morning when there is less attention to the violation and transactions between them. The trucks can then keep operating without people noticing them and questioning the police’s integrity.

As soon as he saw the traffic policeman holding his baton, Hân pulled in and came over, calmly handing over a passport with a banknote tucked in the middle. The policeman took the banknote in the most taken-for-granted manner, pocketing it as Hân quickly turned around to walk back to the vehicle, as if he had just given a friend a pat on the shoulder. He had placed the “law money” (*tiền luật*) inside somebody’s expired passport that he had fetched from waste paper. The passport was much better than using the vehicle’s registration book, since the policeman might get the idea to take it from him. “They are unpredictable, who knows what they might do”, he said. The passport would look fine enough as an official document. Hân hated that he had to “make law” with these greedy police, but if he followed the regulation, transporting the maximum weight of 800 kg would produce a much smaller profit margin. At 5000 *đồng*

per kg of iron, the load of 2–2.5 tonnes that he regularly transports is worth around 100 million *đồng*. For each daily trip, he makes about one million, “minus the law and other costs” (*trừ luật với các chi phí khác*); if he were to follow the weight limit, his earnings would dip threefold, making it no longer worth the significant investment in the truck. When I mentioned other traders’ complaints about the impact of this new regulation on their trucking business, he said that the regulation was actually a good thing, not only because of the lesser damage to the roads and others’ safety but also for the sake of the driver’s safety and the truck’s durability. “One needs to make a living”, he said, “We do not have much of a choice. Everything requires money nowadays. If I stopped working for a couple of days, we would feel the effects on the family right away. You know yourself how much it costs to raise kids nowadays and send them to school”. His statement reveals the competing legitimacies of acting as a citizen, a parent and a self-interested person; what is morally legitimate here is not necessarily that which is legal, and vice versa. Hân had to choose the modality of action from which he accrues most personal value, and live with the fact that the tension between different moral claims cannot be resolved. Such acts of moral reasoning (Sykes 2009) are common in people’s narratives about situations in which they have to choose between conflicting alternatives of action. They reveal the ambiguity of the moral framework that underpins social life in Vietnam today under which people have to come to terms with the paradoxes of moral life arising from the interplay between market forces and the degeneration of formal law and order (see also Endres 2014). This ambiguous moral framework, in turn, shapes the ways in which the social order is enacted – not only by those in power, but also by less powerful actors, such as waste traders.

The “law-making” not only takes place via random personal exchanges of bribes; it also works more anonymously and in an organised manner. The owners of bigger trucks than what Hân drives – which are often driven by hired men – would have to arrange a deal in advance with the police, paying a monthly sum for all their vehicles to cover specific routes in the city; people refer to this as “*bao đường*” (road patronage).

Once, at a waste depot along the highway in Hanoi, I saw a large waste transporting truck driving against the flow of traffic towards the depot, apparently saving the distance the driver would have to go to take the proper turn. The owner of the depot told the driver and the porters when they disembarked, “How dare you guys drive like that? If only the police saw you...” to which one of the men said, “This road is ours. The police are also in our family”! His comment was met with general laughter. The depot owner later explained to me that their employer, a wealthy dealer, had “made law” with the upper echelons of the police and would thus not be fined in the area; otherwise, he said, “these kids would not be so daring”. The system works the same way in HCM city, although perhaps due to the greater number of vehicles there and the

larger areas of the city, it is more anonymous than in Hanoi. The truck drivers pay their “fees” to a middleperson, upon which they are given a sticker that resembles a company logo to stick to their vehicles’ windscreen, making it clear to the traffic police that they have paid their dues. Long, a waste transporter from Spring District in HCM city, told me that when still working outside of the road patronage system, he sometimes had to hide in an alley at the sight of a traffic police team for half a day until they left. This was detrimental to his business, which depended on daily turnover of the waste that accumulates in his family’s depot, and paying the fees became a reasonable thing to do.

In her work on cross-border trading in northern Vietnam, Kirsten Endres shows how the bribes that traders pay to customer officers (also termed “law making” by her informants) are part of an endemic system of corruption, which she refers to as “corrupt exception” (2014). She writes that it is the “only viable way of securing access to economic resources and muddling through the vicissitudes of life” in a system governed by uncertainty (2014: 620). The traders Endres portrays tend to evoke discourses of kinship and compassion to negotiate spaces of action with state agents with whom they are acquainted, much like what depot owners would do to sustain relationships with local authorities in the city. However, on the highway, a bustling economic space characterised by highly mobile actors and anonymous transactions, “law-making” seems almost institutionalised, so that there is hardly any need for participating actors to build relationships. In both cases, there is a parallel system to state law and order that feeds on the power of state law and order, the latter being enforced in such a way that the parallel system can emerge from the very act of violating state law and order. Actors of differential power positions take part in this second-order system, but each with their own agenda, trading in the possibility to create exceptions to the rules of the formal system, such as the weight limit or regulations of cross-border trade (see also Sikor and To 2011). It is no coincidence that to “make law” means both giving and taking bribes: Both sides of the transaction are equally charged with sustaining the system.

Yet to participate in “making law” is a precarious act since the system could break down any time, given the mistrust within it, the arbitrary power of state agents and the lack of moral authority by those in power. While it could have potentially debilitating effects on the lives of people in lesser power positions (such as the waste traders), it seems to also empower them to some extent. By taking part in “making law”, they gain not only the knowledge of how to obtain privileges denied to people who remain within the bounds of state law and order, but also a sense of being able to take things into their own hands. This practice plays well into the highly masculinised, risk-taking mentality among male waste traders that I have observed elsewhere (Nguyen 2018). In the waste economy, “making law” is essential to what waste traders refer to as their professional skills (*nghề*), or the ability to deal with precarity, which helps them turn unknown places into spaces over which they have some power and control,

making it possible for them to extend their networks to new frontiers. These skills are increasingly important as their mobility trajectories become more complex with more and more people and families moving further away from the familiarity of kin and home-place networks and locations.

## CONCLUSION

The “half-dark, half-light zone” that is Vietnam’s urban waste economy represents a space of precarity, which emerges from the personalisation of economic relations, the fuzziness of waste and people working with waste as social categories, and the hidden commodification of state power. For the expanding network of Spring District waste traders, this space is filled with treacherous dealings that are aggravated by the ambiguity of waste materials and their ambiguous status as rural migrants on the move, unregistered, transient, and characterised as the dirty Other (Leshkovich 2005; Nguyen 2016). The double layer of ambiguity helps to sustain an economy of counterfeiting, which not only involves the counterfeiting of waste items sold to waste traders but also the “counterfeiting of legality” (Rigi 2012) through the widespread patronage system of “making law”. The different acts of counterfeiting are traceable to a social order in which actors compete for power over others by various means, even by the use of brute violence, such as in the case of thugs who take control of waste sources. It is this extra-legal social order – one in which arbitrariness, manipulation and domination are the norm – that links the commodification of state power with the burgeoning of rogue actors in the waste economy.

In this social order, morally ambiguous practices are prevalent in the encounters between actors of different power positions. In their practices, waste traders take the arbitrariness of power (and their lack thereof) as a starting point to navigate the urban order and define their place in it. These are what de Certeau (1984) refers to as everyday tactics, the art of making do within circumstances not of one’s own choosing, an art in which people with less power adapt to the social environment determined by powerful actors. This interface between subjection to power and the actions that ensue out of people’s daily engagement with power gives rise to an ambivalent moral framework that in turn defines how power is enacted. The constitution of precarity in Vietnamese labour mobility, similar to other Southeast Asian contexts, is premised on the everyday reality of living in constant confrontation with power (see also Tappe this issue Balcaite this issue, Gruss this issue). As a result, labour migrants often have to choose between competing alternatives of moral reasoning (Sykes 2009) that are presented to them at the moment of action, taking for granted the morally ambiguous character of their actions. Over time, this becomes a mode of living in precarity, one that allows them to claim certain access to power, yet simultaneously sustains the very power constellation that subjects them to precarious lives.



As such, moral ambiguity is central to the precarisation of labour and the economy in Vietnam today, where materials and people are ever-more mobile, moral life is in flux, and state power is a commodity.

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