

‘You will build me’: fiscal disobedience, reciprocity and the dangerous negotiations of redistribution on Nairobi’s *matatu*

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We are not bad people. The owners know we are stealing from them. It is not really stealing ... we say, *utanijenga*, you will build me. They know that they need to help us. So, it is not stealing. (Maina, *matatu* conductor)

Introduction

The transportation workers of Nairobi, Kenya, are an infamous group. The young (mostly) men who make up the massive workforce of drivers and conductors on the more than 20,000 minibus taxis called *matatu* operating in Nairobi (Olemo 2016: 7)¹ have been documented by local and international media,² scholars across disciplines,³ as well as private and non-profit funding organizations.⁴ Drivers and conductors are commonly represented in political cartoons in Nairobi’s daily newspapers,⁵ and they have long been the subject of other art forms attempting to capture both the awe and the disdain that characterizes Kenyans’ deep feelings of ambivalence towards the vehicles, and their operators, that carry a majority of the city’s population every day.⁶ *Matatu* drivers are perceived to be the most dangerous people on the road, even though reports show that a variety of factors contribute to Kenya’s 3,000 road deaths a year, including poor road maintenance (Olemo 2016). When *matatus* do have accidents, they can often tragically rack up multiple fatalities and produce a cascade of negative press,

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¹It is not clear how many *matatus* are operating at any one time in Nairobi, but there seems to be some consensus that it averages between 15,000 and 25,000.

²Jeffrey Gettleman, former *New York Times* East African correspondent, regularly covered *matatu* operators along with reporters from *The Daily Nation*, *The Standard* and *The Nairobi Star*.

³See wa Mungai (2013), Mutongi (2017), Klopp and Mitullah (2015), Salon and Gulyani (2010) and Lamont (2013), as well as features in *The New York Times* and *The Guardian* and on the BBC.

⁴Most recently, Google launched an initiative to develop a cashless *matatu* card, but other companies and organizations have begun studies into the role of *matatu* workers in the AIDS crisis due to their risky behaviour and initiatives to curb gender violence led by an organization called FLONE.

⁵*The Daily Nation*, *The Nairobi Star*, *The Standard* and many others have carried stories, cartoons, debates and op-eds on *matatus*.

⁶Documentaries, plays, sketch performances and network television shows that feature *matatu* operators are just some of the genres and mediums that have fictionalized *matatu* workers’ lives. A Netflix original series called *Sense 8* also featured the story of a *matatu* driver in Nairobi as a main character for two seasons (see Ference 2019).

which is followed by public debates and regulatory policy initiatives (Lamont 2013). Paradoxes abound in much of the public discourse surrounding *matatu* workers and their vehicles, as they often stand in for the good and bad aspects of urban life – hypermobile, polylingual, dangerous, shifting, cramped and often uncomfortable.

The workers in the *matatu* sector form part of Nairobi's eclectic 'hustle economy' (Thieme 2017). Over time, these workers have provided an important foundation for the country's infrastructure, and they have subsequently become targets of the Kenyan state's disorganized approach to transportation service provision (Klopp 2012). *Matatu* workers are also common scapegoats for Kenyan citizens' bad commuting behaviour (Mutongi 2006) and an outlet for these commuters' dissatisfaction with life in the city (wa Mungai and Samper 2006). Like other informal transportation systems in Africa, in the final years of colonial rule, 'pirate taxis', which would become *matatu*, emerged as a home-grown solution to neglectful service based on exclusionary colonial planning, which had ignored the needs of African residents for decades (Heinze 2018; Aduwo 1990; wa Mungai 2013). As the number of these early *matatu* grew throughout the early 1960s, the drivers, who were often the owners, were only able to continually violate the colonial monopoly on passenger transport by conspiring with the police, who would often accept payments in exchange for looking the other way when the 'pirate taxis' blatantly picked up passengers waiting at bus stops.⁷ In other words, the sector itself began as an illegal operation that only functioned due to the illegal behaviour of the police. Even commuters were complicit, taking illicit rides and often witnessing the bribing of police officers on the way.

Although technically illegal under colonial law, the services the *matatu* provided were necessary. The traffic police, like everyone else living or working in Nairobi, could see clearly that the city had been underserved in terms of public transportation since the beginning of the bus monopoly in 1934. As Mains and Kinfu observe in Ethiopia among motorcycle taxis, 'Ultimately, when states fail to provide basic public services, human infrastructures intertwine with particular materials and technologies to generate conflicting moral discourses concerning the politics of infrastructure' (2017: 264). The conflicting moral discourses embedded in Nairobi's *matatu* sector today, including workers' and commuters' relationships with the police and extortionist groups, provide great insights into the social forms of the urban economy and the way in which it functions on a daily basis. Understanding that what are largely seen as theft, extortion and general illegality are also redistributive elements of the urban economy helps us to understand Maina's words, which open this article. Maina emphasizes that this redistribution is not trickery or deceit, but open obligation: 'They know they need to help us.' Therefore, forms of redistribution at work in the hustle economy can be – and often are – stable, circular economies that complicate (largely Western) scholarly understandings of employer, employee, obligation, friendship, kinship, generational relationships, moral economies and solidarity.

Studies of 'hustlers' have historically highlighted shady, tricky, deceitful and manipulative practices largely situated in predominantly inner-city, Black

⁷Letter from C. E. Chun, Traffic Manager Kenya Bus Services Limited to Officer in Charge Traffic Police', Nairobi, 27 May 1960, POL/241/60, Kenya National Archive (KNA).

populations who exist on the margins (Wacquant 1998). The emphasis on these practices as particularly negative has appeared to some scholars as work that reinforces anti-Black, orientalist discourse (French 2000). Recently, scholars have argued that the experiences of contemporary hustlers are much more complicated than these earlier connotations imply (Thieme 2021; Di Nunzio 2019). Tony, a *matatu* conductor in Nairobi, describes the precarity experienced in *matatu* work as a cycle of working, making the boss mad, being confronted about the money made and getting fired, only for both of them to ultimately swallow their pride as they realize that there is 'no alternative'.

This *matatu* work, we call it a contract job. It is not permanent. Today, I'll be driving this, tomorrow I'll be driving that. Today, I'll work with this *matatu*, at the end of the day I'll go see the boss and maybe he won't be happy with what we made and he'll just tell me, straight to my face, 'Hey, listen. I'm not happy about it ... so tomorrow, find your own way, OK?' So, I mean, in the morning, I just wake up, go to the stage and you know ... just wait. Something will come up. So, we call it a contract job, but we don't hold grudges with them. 'Cause, I mean, he'll sack me today and after a week or two he'll see ... there is no alternative. He'll say, 'OK, fine. Even if he made a mistake once or twice, I mean [makes a click to signal annoyance or, in this case, resignation] just come to work.

The hustle economy creates a particular relationship to labour that is marked by often antithetical and contradictory activities and paradoxical experiences of competition, cooperation, selfishness and reciprocity. By exploring social forms that organize the *matatu* sector, *matatu* operators become an ideal population to ethnographically ground theoretical discussions of 'the hustle'.

Building on conceptualizations of social infrastructure (Simone 2004) and Janet Roitman's (2005) study of fiscal disobedience, whereby the legitimacy of regulatory authority is questioned and undermined, *matatu* workers as infrastructure challenge multiple levels of state and non-state regulation through a variety of practices that blend danger, violence and control with solidarity, reciprocity and redistribution. As much as the *matatu* sector is an example of African creativity in the face of colonial oppression, it is impossible to overlook the multiple modes of suffering that are embedded in the relationships between owners and workers as well as the extreme risks many of the participants experience while working in a sector that is perceived as both victim and victimizer. As Jacob Doherty (2017) argues with regard to the motorcycle taxi drivers of Uganda, concepts such as 'collaboration', which are integral to the theorization of 'people as infrastructure' (Simone 2004), must also consider the physical and symbolic violence that is operationalized through infrastructural means (Rodgers and O'Neill 2012).

Drawing from data collected in Mombasa and Nairobi over thirty-two months between 2003 and 2010, and more recent research trips to Nairobi in 2016, 2017 and 2019, I conducted more than 100 interviews with transportation workers and owners, along with managers, lobbyists and police, and had countless informal conversations, debates and arguments about transportation with Mombasa and Nairobi residents. I have continued to do so up until the time of writing through messages over WhatsApp. Working behind the door of a vehicle as a conductor during my fieldwork in 2010, instead of merely riding the *matatu* or hanging out at bus stops, or 'stages' as they are referred to in Kenya, allowed

me to get a better understanding of the sector in motion, and it is through this ethnographic lens of *matatu* work that we can explore the dangerous negotiations of the hustle economy, which include the uncomfortable collaborations between risk and reciprocity, theft and redistribution, violence and solidarity woven together in daily life.

Moving targets

It is difficult to know precisely how many people depend on the *matatu* sector for subsistence at any given time; figures range from 87,000 to 160,000 individuals employed (wa Mungai 2013). In addition to the drivers and conductors, the wider *matatu* economic system and social life includes the touts⁸ and route managers, but also women selling warm *mandazi*, as well as young musicians selling their newest songs and music collaborations to crew members to play in their vehicles.⁹ Therefore, I prefer the figures proposed by a veteran driver named Jackson, who estimates that ‘each *matatu* employs 100 people’, which would mean that there are closer to 400,000–600,000 people throughout Kenya who are at least partly subsidized by the *matatu* sector. And although this paratransit system of minibus taxis carries 70 per cent of Nairobi’s 3–4 million people daily (Salon and Gulyani 2010) and employs a massive number of workers, *matatu* operators and owners suffer from a particular stigma. *Matatu* workers are often seen as gangsters or ‘thugs’, but it is also well documented that they are often scapegoated by the commuting public, who encourage their bad behaviour (Mutongi 2006). Passengers are known to demand reckless driving practices such as speeding, driving on the hard shoulders of roads or overtaking other vehicles in order to beat Nairobi’s infamous traffic jams, which can steal several hours out of many commuters’ day (Bize 2017).

Paratransit systems – characterized by flexible routes and even more flexible timetables, usually operated by mini- and midi-buses – are common features throughout the world and make up much of the daily transportation options for African commuters (Behrens *et al.* 2015; Kumar and Barrett 2008). From Lagos to Johannesburg to Nairobi, paratransit is common. One of the practices that transport scholars consider to be most responsible for the poor service of paratransit is what is referred to as the ‘target system’, whereby operators pay owners of vehicles a target amount at the end of every day (Behrens *et al.* 2017). Although Mutongi and others have shown that passengers often pressure drivers into bad driving behaviour, it is argued that target systems ‘create strong structural incentives for drivers to compete aggressively for passengers in the road space, overload vehicles, speed as they attempt to increase the number of service trips during peak periods, and delay departures from termini until the vehicle is full during off-peak periods’ (*ibid.*: 80).

⁸Often confused with conductors, touts call for passengers and fill vehicles at the stage but may or may not actually ride in the vehicle.

⁹This is an important economic intersection for musicians and members of informal transportation sectors throughout the world. In Jamaica, as well as around East Africa, it is an important way to get new music into the public sphere as many of these artists cannot get their music played on the radio until it gains popularity on *matatu* vehicles.

Transportation policymakers and development scholars argue that, instead of a target system, owners should pay paratransit operators a weekly or monthly salary or do away with cash altogether and move to cashless transportation technology in the form of transportation cards and card-reading gadgets. The cashless approaches to transportation were launched and subsequently rejected many times in Nairobi by users and operators alike in 2015 and 2016.¹⁰ And, although the government of Kenya required in 2012 that all *matatu* vehicles be put under the control of management companies called savings and credit co-operatives (SACCOs), which were perceived to be better at controlling the ‘bad behaviour’ of the sector in Nairobi, most SACCOs still pay their drivers using some version of a target system (Klopp and Mitullah 2015). One important reason why the target system remains ingrained in the sector is that many *matatu* owners service their loan payments daily with the cash they receive from their crews, but there are additional reasons to keep cash flowing, which I discuss below.

In Nairobi, the ‘target’ amount of money an owner expects to see delivered by his driver and/or conductor at the end of the day usually comes from research done by the owner before joining the route. In addition to their loan payments, owners calculate the distance of routes in their entirety to understand how many trips can be completed in one day, multiplying that by the number of seats in their vehicle – from fourteen to sixty. At the time of writing, the daily target payouts were around Ksh 4,000 for small vehicles (US\$40) and Ksh 5,000–8,000 (US\$50–US\$80) or more for larger vehicles. What remains after filling the tank with petrol is what drivers and conductors take home, around Ksh 600–800 (US\$6–US\$8). In relative terms, this is a fairly good wage in Nairobi, considering that the cost of *matatu* rides ranges from Ksh 10 to Ksh 100 and lunch can be eaten for Ksh 50. This means that *matatu* operators can cover their daily expenses while having some disposable income left over.¹¹

To understand the potential profit that can come from each route, owners must consider several factors common to daily commuter life in addition to loan payments, fuel costs and the number of seats. They must also understand the impacts of Nairobi’s built environment, as well as the social relationships that infiltrate nearly every aspect of the sector, especially the complicated redistributive networks with which crew members engage. These include time delays due to Nairobi’s infamous traffic jams and the frequent payoffs to police, as well as payments to non-state security groups, such as members of *Mungiki*, a well-documented vigilante gang with a historically violent and economically extractive relationship with the *matatu* sector. Additionally, members of *Kamjesh* – small, neighbourhood groups consisting mostly of young men who, although less violent than *Mungiki*, are still menacing to *matatu* workers – demand small payouts with each interaction. Some or all of these factors may or may not be present on each individual route.

As owners consider these structural and social factors of each particular route, how do they decide who will be operating their million-shilling vehicles, especially

¹⁰The cashless transportation card technology is being followed up with proposals for a mass biometric registration system referred to as the ‘*huduma namba*’ (Weitzberg 2019).

¹¹This is another reason why *matatu* operators are seen as hyper-urban and modern – they always have a bit of cash on hand.

when all potential *matatu* workers are deemed untrustworthy? Even when hiring a brother, neighbour or friend, all owners know that workers will inevitably redistribute at least some of the money the vehicle makes to other young unemployed or underemployed people, generally in their neighbourhoods. Young people fill the vehicles (as touts) or fill in for drivers or conductors on single trips to town and back. These one-off trips are called *skwads* or *skwadi* and support several important functions in the social infrastructure of transportation in Nairobi.

Skwad or *skwadi* can simply mean to 'take turns', or, more specifically for *matatu* workers, it refers to the loop from neighbourhood to town and back. *Matatu* workers will generally refer to their trips as *skwads*, but *skwads* are also something that can be traded, gifted or owed. Often, the permanent driver or conductor will find someone to take a *skwad* if they want to take a break or need to run an errand. They hand over the *matatu* they have been entrusted with to another, often semi-experienced but under- or unemployed *matatu* worker. They then pay that person a small sum of money to take the trip to town. Depending on the route, one *skwad* could take several hours and earn Ksh 100 (US\$1) or more. Although extremely important in the *matatu* sector and part of what makes it run so smoothly, this on-demand labour force is another reason why this job is seen to produce immoral and untrustworthy people. Two key factors of the *skwad* play into this negative perception: one is that *skwads* are used as a type of on-the-job training, which bothers passengers who feel as though they are not in safe hands when new or inexperienced workers are behind the door or the wheel. It makes people feel anxious when they see someone playing musical chairs with their transportation vehicle. Second, when owners see their *matatu* in the street, they may not recognize the driver behind the wheel, instilling feelings of frustration and betrayal in owners who do not know who is driving their very expensive investment. My interlocutors often shared stories of *matatus* being stopped by the police and the driver running away and leaving the vehicle unattended in the middle of the road because they were merely taking a *skwad* and were not the official driver.

The complicated labour practices embedded in the sector and the redistributive activities of *matatu* workers themselves are important issues that are often overlooked, or even derided, when it comes to policy overhauls for the transportation sector such as BRT (bus rapid transit) or cashless transportation technology. Jackson's calculation that 'each *matatu* employs 100 people' includes his fellow workers as well as the police and the gangs who depend on underlying ideas of reciprocity as operators redistribute the cash that flows through the *matatu* business to other young under- or unemployed people. It should be noted that these redistributive networks are often fraught with distrust, jealousy and tension around proper payments. No matter how small or insignificant the payouts may be, there are often lingering questions about the relationships involved. For example, Steve, a driver who had worked consistently with Mwangi, a conductor, for nearly a year when we met, openly admitted to not fully trusting Mwangi to always give him an honest fifty-fifty cut of the daily profits in their *matatu*. Many of the drivers I interviewed echoed this concern and some even boasted of their ability to keep track of the money from watching, counting and calculating passenger trips through the rear-view mirror.

In the face of massive unemployment and underemployment, the redistribution of *matatu* cash through the mechanism of taking *skwadi* is a nice example of the

multifaceted nature of the hustle economy. As AbdouMaliq Simone points out, ‘African cities are characterized by incessantly flexible, mobile, and provisional intersections of residents that operate without clearly delineated notions of how the city is to be inhabited and used’ (2004: 407). The *skwad* is a way for workers to supplement the training of less established drivers and conductors, reflecting a classic *matatu* ‘hustle’ that pivots on a notion of reciprocity. In other words, as Maina says, giving *skwads* to younger or less supported workers builds the next generation of workers by both violating the trust of the owners and providing supportive assistance to friends and co-workers. When ‘these conjunctions become an infrastructure – a platform providing for and reproducing life in the city’ (*ibid.*: 408), as in the case of the *skwad*, ‘these human infrastructures depend on specific methods of organizing labor, as well as on particular materials and technologies’ (Mains and Kinfu 2017: 273) that fit the nature of the work.

Often, at the end of the day, owners miss their target amount, and operators come equipped with explanations of how funds were lost to outside actors – usually the police and gangs. These outside actors are like hidden toll booths around the city and not only impact the bottom line of *matatu* owners but also add to the negative reputation *matatu* operators experience. The payoffs to police and gangs vary depending on the route but can cost Ksh 500 (US\$8) or more a day, and refusing to pay can often come with severe consequences. As one driver, Steve, said: ‘In Dandora ... the owners of the vehicles are told, “You will pay.” Every morning you pay Ksh 700. So, to work in those routes, you have to be hardcore’ – meaning not only that *matatus* must make a lot of trips during the day, but also that they have to protect themselves from the people who collect the payments. In the summer of 2019, an executive member of one of the oldest and largest SACCOs in Nairobi mentioned that he ‘buys the police their breakfast every morning’ (Evans, owner) by giving them Ksh 200 in order to avoid any issues (traffic stops, arrests, harassment) throughout the rest of the day. This particular SACCO manages over 200 *matatus* and they all pay Ksh 200 to the police daily, totalling a hefty payout of around Ksh 40,000 (US \$400). As part of their daily calculations, *matatu* operators and owners therefore often take these payouts into account. Whatever the set target is, they not only have to pay for fuel and for themselves; they also have to pay the police and gangs and redistribute money to other young unemployed and underemployed workers. This financial relationship between *matatus* and the police has a long history, which I discuss below. It is important to note here that due to these payouts, vehicles that are not roadworthy and are quite dangerous can often be kept on the road well past the point when they are deemed to be unsafe for a public service vehicle (PSV), which adds to the traffic accidents and negative perceptions of the sector.

Fiscal disobedience

The mobile, urban spaces where *matatu* workers make their living resemble what some scholars refer to as economic edges or frontiers of capitalism (Tsing 2011; Roitman 2005). People at these economic edges are often targets of violent measures by groups and institutions aiming to poach, control and regulate their productive economic and social practices. The relationship between groups becomes a

somewhat coordinated, but tense, dance on dangerous and shifting grounds of legality. Part of what makes these edges or frontiers dangerous and shifting is that they are often subject to a variety of state and non-state regulatory actors and activities, many of which can be aggressive, intimidating, punitive and violent. Janet Roitman describes these various actors as characteristic of the ‘pluralization in regulatory authority’ (2005: 151). The participants in these sectors – *matatu* workers in this case, bandits in Roitman’s – often resist, undermine and ultimately negotiate with both formal (police) and informal (*Mungiki*) regulatory authorities.

This was also the case for the pirate taxis (precursors to *matatus*) that emerged to provide services in the neglected African settlements in violation of the Kenya Bus Service (KBS) monopoly in the late 1950s. These mobile entrepreneurs established a new frontier of wealth creation by filling a void in services that the KBS failed to provide. For instance, in 1934 there were thirteen buses for 50,000 residents and in 1969 there were 100 buses for 500,000 residents (Heinze 2018: 9). Robert Heinze argues that ‘*matatu* owners, once they had become established, began efforts to self-regulate, control new market entries, and stabilize the network to ensure profits, and to this end, they cooperated with state institutions such as the police’ (*ibid.*: 17). Owners could only ‘self-regulate’ through cooperation with the police, which often included paying them small bribes; in some respects, owners, workers and the police were all developing regulatory practices alongside the formal reaches of the state.

As the pluralization of regulatory authority has become institutionalized, *matatu* operators dynamically engage those they encounter every day, whether it be owners, police or gangs – consistently negotiating the price of payouts to the police and gangs in order to further negotiate their payments to owners and, finally, to themselves. *Matatu* workers often justify their participation in bribery (with the police), extortion (by gangs) and theft (from owners) through a lens of paying themselves first as young workers and others like them, in order to build the life they are owed. These actions can be seen as acts of ‘fiscal disobedience’, whereby citizens attempt to sabotage regulatory authority as a response to what is seen as a mismanagement of private wealth, through taxes and other regulatory measures, for public good (Roitman 2005). As with the trading and selling of *skwads*, *matatu* operators are undermining the power of the state by avoiding keeping up to date with certificates and licences and also are ‘disobedient’ employees in order to maximize their own daily wage, while redistributing wealth to others in similarly precarious positions. It is as part of this logic that payouts and bribes are a necessary part of the job. In turn, the ways in which the police prey on the *matatu* sector are evidence of their own hustles and fiscal disobedience. Instead of regulating the vehicles and taking them to court where the fines are hefty, police tax *matatus* through their own logics and for their own ends. *Matatu* operators’ fiscally disobedient practices perpetuate their stigma of untrustworthiness and their place at the bottom of moral hierarchies in Kenyan society. As they take on the work, they also take on the practices and competing moral discourses that go with it.

In 2002, the now defunct trade magazine *Matatu Today* published a statistic that claimed that 40 per cent of *matatus* on the road were owned by the police; however, it is difficult to trust these statistics, as it is illegal for the police to own *matatus* according to the Public Officers and Ethics Act passed in 2006. Due to

the prohibition of police ownership of *matatus*, officers tend to hide the fact that they are in the transport business. When I interviewed James, a senior member of the transport police with whom I was put in contact because he was known to own several *matatus*, he denied owning any vehicles for several hours before finally admitting that he had been in the industry for years and owned three vehicles. Once he opened up, he was casual about the deeply rooted connection between police and *matatus*. He explained: 'During Moi [in the 1980s and 1990s], it was fine for police to line their pockets with money from the *matatu* industry; now, in 2010 ...' He trailed off, shaking his head and waving his hand. Still, once he heard that I had been moonlighting as a conductor on route 48, with a vehicle, *Frost*, he assured me that I would not get into trouble if I worked on his *matatu*.

James explained that, by working on a vehicle owned by a police officer, you do not spend all day in court or in a jail cell, like other operators do. Police often hide their ownership of a *matatu* and even their colleagues do not know they have one. They send people in their place to get the *matatu* workers out of jail and the vehicle back on the road, if they even find themselves there, which many reportedly do not. When I asked him if there were still a lot of police officers who own *matatus*, he answered as though I had asked a ridiculous question, and explained that they indeed owned them, 'but through proxies ... so they never go to court'. He clarified that 'such *matatus* are not even arrested, by the way ... because it belongs to them'. By this he meant that the police know which vehicles are owned by other police officers and may even be positioned on routes where their own *matatus* are working. Working for a police owner has other privileges, as Tony, a *matatu* conductor, pointed out:

Most of these *matatus* are owned by police. So, they get a phone call, they release it. Whoooosh [hand motion to show it has gone] and it's off, you know. It's advantageous 'cause you ... get arrested and you say, 'My boss ... is a ... is a big boss.' So, I won't worry much, even if they put me in jail, he'll just come and tell them, 'Hey! He's my worker, OK. So, get out! Go back to work!'

Thus, the relationship between the police and *matatu* operators is deeply connected and intertwined, mutually constituted through their illicit economic relationship. This speaks not only to the lived experience of *matatu* hustles, which blurs the line of legality for workers, owners and gang members, but also to the fiscal disobedience law enforcement officials practise themselves.

The current list of offences for which a police officer can arrest a *matatu* is almost endless. As I was told more than once, 'Every *matatu* on this road is guilty.' Given that no *matatu* vehicle is deemed truly roadworthy, according to Kenya's official road rules and regulations, in order to operate in the business, one must be willing to pay a bribe or go to jail. Steve often complained: 'They can always take you in and charge you with touting. And, in a court of law, you can never prove you are not touting.' Steve further articulated interactions and motivations for the constant bribery of the police by *matatu* operators in the following statement:

The issue of corruption is ripe on our roads, OK. We are compelled to be corrupt 'cause whenever the traffic officer come here and tell you 'I'm going to charge you with the offence of obstruction and what ...' in the court of law [it] goes for Ksh 10,000 or Ksh 10,000 to Ksh 15,000 ... and this *askari* [police officer/guard] will need Ksh 1,000 or

Ksh 1,500. OK! It's not right, but what do I do? One thing, in a court of law, you lose a lot of time, you waste a lot of time. You know in a court of law ... seatbelts, uh, mostly charged from Ksh 300 to Ksh 500. It's a small amount, but, uh, the time – you take the whole day. As in, you are arrested in the morning, most of them, they arrest you at 7.30 to 8.00 a.m. – sadly, yeah. You miss work. 'Cause in the ... you'll be released at around 3 or 4 p.m. in the evening [laughing] ... for a seatbelt.

Steve explains a common justification of *matatu* operators, along with non-PSV drivers on the roads of Nairobi, when he talks about the cost in terms of revenue and the lost time it may take to deal with the offence.

In addition to these concerns, another consequence facing *matatu* workers is extended jail time. When I asked if *matatu* operators can end up in jail for more than six months, a route manager replied that 'some ... have been in there more than that, even up to 18 months'. Steve went on to explain: 'When you argue with these policemen, depending what is said, when he takes you with him, there will be like seven counts.' A dreadlocked conductor named Rasta George articulated how these fines and charges can quickly add up, listing the offences: 'Contravening if you can't pay the Ksh 18,000 (US\$180) then three months ... obstruction ... Ksh 8,000 (US\$80) ... four months ... no uniform ... one month ... so many.' In this way, *matatu* operators stay on the roads only by developing fiscal relationships with the police, who are simultaneously a proxy for state regulation but operate their own hustle that is a threatening and violent element of the *matatu* ecosystem.

Along the route a *matatu* may encounter uniformed police who are also owners of vehicles, but that is only the beginning of the story. The following is an excerpt of a conversation I had with many members of the route I worked on, route 48 to Kileleshwa, while sitting in a *matatu* that was awaiting its turn to be filled at the Odeon stage in Nairobi's city centre in 2009. It is worth quoting the conversation in this style because it shows ethnographically how *matatu* operators banter and corroborate their experiences.

- MF [author]:* Does harassment by police bother you?
Rasta George: A lot ...
James: ... They bother us a lot ...
George: *Askaris* are a major problem ...
Wilson: City council *askaris*.
MF: City council *askaris* are even worse than the traffic police?
George: Yeah, worse ...
Wilson: Then there is Rhino ...
James: Yeah.
MF: Those are undercover police, right?
James: Yeah.
Rasta George: ... Undercover ...
MF: But they are police, though?
Rasta George: Yeah.
Steve: And there are Rhino AP.
MF: AP? [I had never heard of this and was surprised] What do they look like?
Steve: They are also undercover but at times ... they wear a uniform.
MF: With a blue hat?

- Rasta George*: No, with a black hat ... with a jungle ...
MF: Oh ... with camouflage?
Rasta George: Yeah, camouflage.
MF: So, you have to deal with all of those people every day? Which ones are the worst?
Gladys: All of them are worst [said like that was a very silly question to ask].

From even this brief conversation, we see that *matatu* operators are dealing with at least four different groups that have the authority to take them to jail, or worse. It is common in Kenya to feel an undercurrent of violence when discussing the police and their affiliated groups, not least because in 2007, under government minister John Michuki, Kenyan police were given ‘shoot to kill’ orders, especially if young people were suspected of being *Mungiki* members, who often work in and around *matatus*. This ‘shoot to kill’ order is still in effect and has resulted in an alarming increase in extrajudicial killings by the Kenyan police, especially among young people in informal settlements, such as Mathare and Kibera.¹²

The danger, violence and corruption that historically have been embedded in the *matatu* sector often leave the operators themselves with a deep ambivalence towards the morality of their own behaviour. When we were discussing police corruption and paying bribes, Anthony, a Nairobi conductor, described struggling with the work because of this aspect, saying, ‘I am Christian, and I have to go home and face my family.’ As people become infrastructure, the often already conflicting moral discourses around their labouring practices become murky as they form bonds and connections through the need to stay safe and manage their lives, while also operationalizing suffering and violence for themselves and others.

Dangerous negotiations in the hustle economy

One may wonder how these workers, often young people, negotiate what seems to be a well-coordinated effort to control, extort and intimidate them by multiple arms of police personnel as well as vigilante gangs and individual hijackers. In addition to the payoffs along the routes, they often stay safe through verbal and non-verbal communication. There is a series of hand signals they use as they pass one another in the streets to communicate the presence of police located further ahead on the route or at the next stage. Another important way in which *matatu* operators deal with these various police groups as well as organized gangs such as *Mungiki* or individual hijackers who prey on them daily is to develop hidden linguistic codes, which scholars have called ‘Deep *Sheng*’ (Samper 2002). *Sheng* is the commonly spoken urban dialect of Nairobi, which combines Swahili, English and other languages and is used as an urban register by young people to mark belonging and to create privacy (Abdulaziz and Osinde 1997). It is well documented that *matatu* operators are one of the key creators and disseminators of *Sheng* and it is an important feature of *matatu* operators’ lives; it is the glue that runs through the sector and binds relationships

¹²For more information on police violence and the challenges of reform, see Osse (2016).

together, pivoting on occupational solidarity and friendship bonds to navigate a murky and dangerous landscape. Deep *Sheng*, however, is a version of *Sheng* that can be developed and spoken between just a few people (Samper 2002) – it can be used to talk about pretty women, discuss dangerous-looking customers or coordinate actions that will be taken with the police.

Passengers on *matatus* often feel linguistically lost when the driver and conductor are communicating, even when they have been raised in Nairobi. Scholars have argued for years about the positive and negative impacts of *Sheng* on young people's literacy in English comprehension and proper Swahili (Nabea 2009), but *Sheng* has also increasingly been used in advertisements and by politicians to connect to the youth of Nairobi. It is an important part of the social element of mobility infrastructure, particularly when it comes to safety on the roads. There is a safety in using, creating and knowing *Sheng* for *matatu* operators in similar ways to what anthropologist Julia Elyachar has discussed as phatic labour, whereby the communicative networks of people become part of the social elements of infrastructure (2010).

For Simone, Elyachar and other urbanists, African cities are characterized by flexible, mobile and provisional intersections of residents that operate without clearly delineated notions of how the city is to be inhabited and used; 'these conjunctions become an infrastructure – a platform providing for and reproducing life in the city' (Simone 2004: 408). Other scholars, however, see this formulation as overly celebratory and not attuned to the exploitation and power relationships that force the creative provisioning that characterizes the African city (Rizzo 2017; Doherty 2017). For instance, Jacob Doherty uses the phrase 'disposable people as infrastructure' as a critical supplement to Simone's widely cited idea of 'people as infrastructure', which, Doherty argues, 'does not attend sufficiently to infrastructural violence', especially in the dangerous lives of motorcycle taxi drivers in Uganda (2017: 192). Matteo Rizzo's longitudinal study on minibus taxi operators in Dar es Salaam shows consistent labour exploitation at the hands of the owners, passengers and government alike. Building on these scholars, I intend to explore how the creative collaborations of urban transport operators act as important distributive networks and are simultaneously a conduit for suffering and violence. As much as *matatu* operators have to engage owners, police and other operators in their hustles, the vigilante gangs of young people present perhaps the most significant danger in *matatu* operators' lives.

When researching route 105 in Kikuyu in 2010, it was almost entirely controlled by *Mungiki*. *Mungiki*, meaning 'mass' in the Kikuyu language (Wamue 2001), has been defined as an 'ethnically homogenous Kikuyu group, characterized both by rural religious tenets and urban political activity', but in 2001 they were also responsible for deadly turf wars over control of large portions of Nairobi's *matatu* sector (Anderson 2002: 538). The group is said to have emerged as followers of the 'Tent of the Living God' religious sect in 1987 (Wamue 2001: 455), but in the 1990s, and for the next decade, they were a common and violent feature of Nairobi's *matatu* routes as they battled with local neighbourhood groups over control of *matatu* stops (Rasmussen 2012; Anderson 2002).¹³

¹³Much appreciation to Naomi van Stapele for her helpful insights in general and her comments on this section in particular.

Many drivers and conductors I interviewed would not even mention the name *Mungiki*; they simply referred to those individuals involved as ‘members’ and were very afraid of their wrath. Jackson was particularly vocal about *Mungiki*’s tactics on route 105, where he lived and worked. While slowly drawing his thumb across his neck, he warned, ‘If you don’t pay, they will whip you and sometimes they can even burn your *matatu* or kill you.’ Jackson told me that each *matatu* on route 105 paid Ksh 200 (US\$2–US\$3) per day, usually in the morning, and that you knew whom to pay because they had signs that marked them, like the way they wore their hats and the language they used.

Although not all routes have to deal with such a pervasive *Mungiki* presence as route 105, the group was well known by all *matatu* workers, adding to their lore as bogeymen who haunt the sector. As Rasta George, a fellow conductor on the Kileleshwa route, situated near the western part of Nairobi, described:

In Kileleshwa, there is no ... uh, in our routes we don’t have those people who used to harass people. If you go to Embakasi, there is another group called *Mungiki*, and there, you have to follow their rules if you live there. But in Kileleshwa you don’t have those people. So, let us compare these other places. I have worked almost a third of the routes operating *matatus*. The situation in central Kenya ... it is very, very ... because they are sort of small gods and you have to go as part of what they want. You can be threatened ... Not even threatened. You can be killed ... You can disappear.

And, although *Mungiki* members were nearly always implicated in violence around *matatus*, scholars have noted that, ‘like the associations before them, the *Mungiki* and cartels had more to gain from ensuring the stable operation of *matatus* than they did from constant conflict’ (Heinze 2018: 16).

Mungiki members also experimented with formalizing their role on the routes where they attempted to act as regulatory authorities. When I asked how *Mungiki* kept track of who had paid and who had not, Jackson pointed to the ashtray. I opened it and pulled out two small, coloured scraps of paper (Figure 1). These receipts, however crude, were issued daily by members. They also provide an insight for understanding *matatu* hustles. In the realm of unregulated sectors, such as the *matatu* sector, the many groups vying for a piece of the profits use a variety of mechanisms to formulate and facilitate a more stable economic foundation. If, for example, you show this receipt to a *Mungiki* member, they will not charge you again, thus legitimizing their role in the sector through this symbolic formalization of receipts. These receipts become physical, material manifestations of legitimacy.

As I spent time talking to people about these various actors connected to the *matatu* sector, I came to understand the role of reciprocity that undergirded these violent interactions.

Echoing Maina, Jackson offered great insights into the ways in which generational tensions, ethnic solidarity and codes of urban reciprocity were formulated among *matatu* workers in the face of *Mungiki* members. He offered this statement in response to a question about what should be done about *Mungiki*:

For me, maybe 60 per cent should continue, and 40 per cent, I don’t support it. For one, I support it because most of them they are members of my tribe and if I say I recommend they all get killed, there will be no generation because they are the youngest generation. I can say that they take my [money] ... they demand it, so if they assess you and they write



FIGURE 1 Two Mungiki receipts – one old and one more recently acquired.

a note and they tell you, threaten you, if you have a business, ‘You are ancestors, so you are our blood, we have nothing, we are not working, so we need our share, you have to share the money.’

This response alludes to the feeling that it is the responsibility of the older generation to provide for the younger generation, so they get ‘their share’. This is a well-known part of *Mungiki*’s justification of violent extortion (Rasmussen 2010). In Kikuyu culture, it is important for the elder generation to help the younger generation by handing down land, but during colonialism and the displacement of Kikuyu people by European settlers, it was increasingly difficult for the older generation to hand anything down, causing resentment and escalating unease over time. Part of *githaka ituika* (the generational turnover of land) was to ‘convert personal wealth into collective peace ... and was said to happen every thirty years’ (Berman and Lonsdale 1992: 344–5), a built-in redistributive mechanism. When *ituika* practices ceased in the late 1940s and 1950s, the younger generation rebelled, articulating the alienation of land and rights at the hands of European colonialists and Kikuyu loyalists through the Mau Mau rebellion. This tension is especially palpable for Jackson, who, as a Kikuyu facing terrorism from members of his own ethnic group, feels as though he owes them *something* because he is considered an elder.

Since Minister Michuki’s ‘shoot to kill’ order of *Mungiki*, they have largely disappeared from the public eye, although it is well known throughout the sector – and in Nairobi in general – that they are still present on some routes. But there

are other groups that subsist through the *matatu* sector. Many of my interviewees claim that *Mungiki* has been absorbed into another group generally known as *Kamjesh*. Unlike *Mungiki*, *Kamjesh* is much more localized and ambiguous. They are not as well documented as *Mungiki*, although they have been referenced by scholars of Nairobi's informal settlements (van Staple 2007) and of *matatu* workers (wa Mungai 2013). People understand *Kamjesh* to be anything from 'a vigilante gang like *Mungiki*' to 'just a group of friends in the neighbourhood'. When I mentioned the violence and terror of *Mungiki*, Bena, a young *matatu* conductor, informed me that *Kamjesh* is not a gang like *Mungiki*, but more like a support group for unemployed *matatu* operators; he described a worker pool that, in essence, was waiting for *skwads*. They are known, like *Mungiki*, to hang out around the *matatu* stages and extort money or *skwads* from *matatu* operators. Their key identifying characteristic is openly smoking marijuana.

The legitimacy of *Kamjesh* membership differed from that of *Mungiki* in the eyes of *matatu* operators and pivoted on varying ideas of the work ethic between the two groups. Simply put, *Kamjesh* often take *skwads* whereas *Mungiki* members rarely do; this is one of the major complaints of *matatu* workers when they talk about *Mungiki* members. As the ethnographic data on the relationships between the crew members and those who prey on them exposes, there are multiple 'hustles' happening in the same domain. The streets of Nairobi witness the constant negotiations of a precarious life – and this is especially the case with regard to the *matatu* routes that are controlled by *Mungiki* gangs and the vehicles' personnel, who may or may not belong to various gangs such as *Kamjesh*. Each worker navigates their own uncertain labour, meeting seemingly impossible targets and justifying dubious economic practices through the lens of friendship and the performance of complicated reciprocity – not only as the perpetrators of these acts (Maina), but also as the victims (Jackson).

As a *matatu* operator starts their day, they will encounter a *Kamjesh* member at the beginning of the route whom they will pay. Then, they will face a police officer and they will again produce cash for them, often with a grin. As they move throughout their day, redistributing their small sums of money, they will stop for lunch and give their vehicle over to a younger conductor or driver to get some experience and a small bit of change. And, at the end of the day, as they return home, they will drop off the vehicle and the target to the owner, which may or may not leave enough for themselves. The system depends on code words, deep local knowledge, empathy that fuels the redistributive cycle and a thick skin as the passengers you carry yell at you or about you. Then, you may go home to your family, say your evening prayers and break your daily bread. This is just one of the hustles that exists in Nairobi, and it is both collaborative and dangerous, creative and violent, but it is the nature of the work that hundreds of thousands of young people participate in every day.

Conclusion

In Nairobi, the large *matatu* workforce engages in a variety of collaborative, competitive, violent, risky and cooperative practices in their daily work, providing transportation for millions of people every day. An ethnographic exploration of practices such as *skwads* and informal regulatory networks including *Mungiki*,

and the way in which they produce and distribute receipts at the same time as they threaten physical violence, provides crucial granularity to the social forms that organize informal work. In this way, *matatu* work and the long-standing institutions of organization help us further understand the complexity and dynamism of the ‘hustle economy’. *Matatu* workers engage in a highly social and mobile environment where they constantly interact with a variety of state and non-state actors through a combination of violent threats, competitive acts, moments of solidarity and shared linguistic codes. Many of these relationships, exploitative and benevolent alike, are framed by ideas around generational distribution and economic reciprocity. In the face of uncertainty, hustlers are simultaneously creatively and competitively making do, engaging in a variety of practices that are at times violent and also redistributive. The risk, competition, extortion and general threats and experiences of violence force *matatu* operators, and other hustlers, to struggle with and toggle between a variety of competing moral discourses that can often challenge these workers’ subjectivity, but they also find comfort and support in those same occupational networks.

The historical legacy of the *matatu* sector as an indigenous creation in direct opposition to the colonial administration positions the workers, owners and even the police and gang members as engaging in a type of fiscal disobedience whereby cash is withheld from the state due to general distrust of its ability to provide the necessary urban services, in this case transportation. Meanwhile, the relative ‘obedience’ to other groups (for example, *Mungiki* and *Kamjeshi*) is integral to a kind of cultural logic of generational distribution that transforms understandings of theft into one of reciprocal obligation. In Nairobi, *matatu* work provides a complex landscape where collaborative and redistributive practices exist on top of and next to violent, competitive and risky practices, which facilitate the management and provisioning of the sector’s services. A tense balance is struck between multiple coalitions of passengers, police, workers and owners as they make their way through Nairobi’s slow and risky streets, doing their best to dodge the most violent interactions. As multiple regulatory authorities operate through changing institutional forms that emerged from the sector itself and can channel creativity and community as well as danger and violence, these paradoxical and ambivalent parts of the hustle economy can co-produce moral ambiguity and struggle in the hustling experience.

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Abstract

Those who populate the productive frontiers of capitalism are often targets of violence by groups and institutions aiming to poach, control and regulate their economic practices. This article draws on years of ethnographic research conducted with informal transport operators in Nairobi who drive, conduct and own the minibuses called *matatu*. In order to navigate the city, this workforce engages in a coordinated but tense economic dance along the dangerous and shifting lines between illegality, work and reciprocity. The article aims to situate the more dangerous and morally ambiguous aspects of the 'hustle economy' ethnographically, within the generative and ultimately mobile location of urban transportation infrastructures of the *matatu* sector. Building on the conceptualizations of social infrastructure of AbdouMalik Simone and Janet Roitman's study of fiscal disobedience, whereby the legitimacy of regulatory authority is questioned and undermined, *matatu* workers as infrastructure challenge multiple levels of

state and non-state regulation through a variety of practices that blend danger, violence and control with solidarity, reciprocity and redistribution. This article evaluates and analyses distinctive features of 'hustling' in Nairobi through the ethnographic lens of *matatu* transportation operators as they navigate dangerous negotiations with the state, the police and vigilante gangs.

Résumé

Ceux qui peuplent les frontières productives du capitalisme sont souvent cibles de violence de la part de groupes et d'institutions visant à subtiliser, contrôler et réglementer leurs pratiques économiques. Cet article s'appuie sur des années de recherche ethnographique menée à Nairobi auprès d'opérateurs de transport informel, qui possèdent, organisent, et conduisent les taxis minibus appelés *matatus*. Pour naviguer dans la ville, cette main d'œuvre se lance dans une danse économique coordonnée mais tendue, flirtant avec les limites dangereuses et moralement ambiguës entre l'illégalité, le travail et la réciprocité. Cet article met l'emphase ethnographique sur les aspects les plus dangereux et moralement ambigus de cette économie de débrouille qu'est le secteur des *matatus*, générateurs de mobilité et ses infrastructures de transport urbain. S'appuyant sur les conceptualisations d'infrastructure sociale décrites par AbdouMaliq Simone et l'étude de Janet Roitman sur la désobéissance fiscale, selon lesquelles la légitimité de l'autorité régulatrice est remise en cause et ébranlée, les opérateurs de *matatus*, deviennent eux-mêmes infrastructure défiant sur plusieurs niveaux les réglementations étatiques et non étatiques, à travers un ensemble de pratiques qui mêlent danger, violence et contrôle d'une part, avec solidarité, réciprocité et redistribution de l'autre. Cet article évalue et analyse donc différentes facettes de la débrouille à Nairobi d'un point de vue ethnographique, pour capter le *modus operandi* des opérateurs de *matatus*, dans leur façon de gérer de dangereuses négociations avec l'état, la police, et les gangs de « vigilante ».