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Hustling for the Good Life: An Ethnographic Study of Informality and Legality in a Congolese Hair Salon in Nairobi, Kenya

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ABSTRACT

For many Congolese refugees living in Nairobi, Kenya, economic self-sufficiency is challenged by legal barriers to mobility and employment. In an effort to circumvent restrictive labor laws and achieve “the good life,” many engage in the informal economy and petty bribery. Based on ethnographic research spanning nine months within a Congolese kinyozi (hair salon) in Nairobi during 2019 and 2020, this article examines the intricate connection between “hustle” culture and the pursuit of the good life among Congolese in the city. I argue that hustling stands as a vital and empowering force, enabling Congolese to navigate economic uncertainty while actively shaping a more promising present and ambitious future for themselves. [Keywords: refugees, informality, hustling, bribery, agency, neoliberalism]

One day while visiting Kawangware, a sprawling informal settlement on the edge of Nairobi, I was introduced to Blessing.¹ A Congolese refugee² in her forties, she supports herself and her two children by braiding hair in the neighborhood. After leaving the Democratic Republic of Congo (DRC hereafter) 12 years ago, she spent four years in Kakuma refugee camp in northwestern Kenya before moving to Nairobi. “The food [in the

camp] is mostly sorghum and maize,” she said. “People who live the good life there are the ones who have family elsewhere to send them money to buy better things and better services.” In Nairobi, she is able to earn her own money and buy the food she likes from local vendors. Yet in spite of this, she admits, “Life in Kenya is hard. I have to hustle for money.”

Two concepts stood out to me as she spoke: “the good life” and “hustle.” I heard the latter term many times in Nairobi, from both Kenyans and Congolese. As one Congolese woman defined it, “Hustling is fighting to live day to day, trying to find money to survive,” while another said, “it means trying to push life forward, *kusukuma maisha* (‘pushing life’ in Swahili).” Hustling, for them, incorporated a level of marginalization, hard work, precarity, and informality not necessarily associated simply with “working.”

I build on the work of other scholars that explore the hustle economy in the African context (Anwar et al. 2022; Thieme 2013, 2015, 2018; Thieme et al. 2021) to consider how Congolese are able to orient themselves within wider neoliberal processes of entrepreneurialism and individualism equated with the good life. My study of refugee livelihoods and hustling intersects with other anthropological literature on themes around resilience and economic agency among Congolese refugees in African cities (Amisi 2006, Clark-Kazak 2014, Lyytinen 2015, Mann 2010, Tippens 2017). Notably, O’Loghlen and McWilliams (2017) and Lyytinen (2015) frame refugee livelihoods within Lefebvre’s concept of “right to the city” (RTC), by which refugees transform insecure spaces for their benefit and protection. Both studies, similar to my own, consider economic interactions between refugees and members of the host community as a key component in feelings of belonging and wellbeing. I argue that hustling, in particular—in the form of informal labor and petty bribery—is essential in the pursuit of the good life for Congolese in Nairobi, as such practices enable circumvention of restrictive legal barriers to living and working in the city. This article’s interest in the good life—and the multitude of ways in which it is envisioned among Congolese refugees—builds upon the shift that has occurred within the discipline of anthropology which turned its gaze from the “suffering subject” to topics beyond suffering subjectivity, including morality, well-being, hope, and care (see Robbins 2013:448). Applying such a framework to “the everyday,” including informal labor and petty bribery, I contribute valuable empirical evidence and broader conceptual contextualized analysis of the ways in which behaviors in the

present and strategies for positive futures manifest among Congolese in Nairobi.

METHODS

This article draws on ethnographic fieldwork conducted over nine months in 2019 and 2020 in Nairobi, Kenya, for a doctorate in International Development at the University of Edinburgh. With the support of a Congolese research assistant, Dinah, I conducted four focus group discussions and over 52 open-ended interviews with Congolese refugees and asylum-seekers, predominantly from the eastern part of DRC. All over the age of 18, their occupations included students, pastors, tailors, musicians, hair stylists, and shopkeepers. I also held over a dozen informal interviews with Kenyan citizens and migrants of other nationalities who had interactions with Congolese. I engaged in participant observation by “apprenticing” at a Congolese-owned and managed *kinyozi* (pl. *vinyozi*), or hair salon, Angel Touch,³ in downtown Nairobi. The goal was to be a “partial participator” (Ciesielska et al. 2018:40), spending approximately half my time sitting in a plastic chair at the back or side of the salon observing the staff as they went about their day, or chatting with them when they were on their break. The other half of the time, I would spend at the sink washing hair, taking out braids, or standing next to a stylist and watching as they worked.

In terms of positionality, I join other scholars who reflect on their navigation of the blurry boundaries of “insider-outsider” status as a non-Black female engaging in spaces and practices around Black hair (Bordo 2008, Lukate 2022, Rajan-Rankin 2021). The majority of clients were female, and had I been a Caucasian male, I believe my presence would have been much more startling for the clientele and aroused greater suspicion. From a racial perspective, being Caucasian in a hair salon in downtown Nairobi frustrated my attempts to “blend in” to the environment (Ciesielska et al. 2018:39) and not draw attention to myself nor those I was observing. I felt this had particular importance not only from a methodological standpoint as an ethnographer, but also given the legal precarity with which many of my participants were living in Nairobi as migrants. After consulting with the salon management, they decided that Tuesday mornings were the most appropriate time for me to visit as they were typically the slowest days of the week. Clients seeing me for the first time would often inquire about

my presence with the staff as they took their seat in front of the mirror. The salon management assured me that I would not disrupt their business nor draw unwanted attention from local authorities, but I cannot assume that a young Caucasian woman sitting in the back of an African hair salon, or standing at the sink and washing hair, did not draw attention. To what degree and with what consequence, I cannot say for sure. One of the benefits, however, that came with being an “outsider” as a non-African Caucasian researcher, is that my differences and lack of intimate understanding of the research site elicited detailed responses from my interlocutors around subjects like techniques, client relations, and career aspirations that put them in a position of expertise (Tinker and Armstrong 2008:55-56).

Drawing from my experience at Angel Touch, the central ethnographic space examined in this article is the *kinyozi*. These spaces host the intersection of global stylistic influences with local aspirations and material realities like no other, their doors ushering in the flow of and the strange balance between visible and invisible, formal and informal, and the tightrope act that Congolese must perform to make a life within the city. Nairobi’s *vinyozi* are as omnipresent as its churches, and are particularly numerous in the city’s many informal settlements. Many of them are a single room, less than 100 square feet, with corrugated metal walls painted vibrant shades of blue, yellow, or green. The doors and walls outside feature hand-painted faces of men and women sporting different hairstyles as an advertisement for the skills and tastes of the stylists. Sometimes paintings or photographs of American celebrities, like Drake or Kanye West, can be seen, symbols illustrating the convergence of translocal aesthetics, identities, and practices (see Comaroff and Comaroff 1999:295). Anthropologist Brad Weiss’s ethnographic study of Tanzania’s *vinyozi* (2009) does an excellent job describing the neoliberal conditions which give rise to informal barbershops in East Africa over the past four decades. Structural adjustment policies in the region in the 80s and 90s led to an explosion of informal enterprises, like *vinyozi*, when formal employment opportunities shrunk alongside the provision of state support services (Weiss 2009:9). At the same time, consumption practices, within contexts of greater cross-border flows of images, people, and products, have become ever more salient for defining ones’ global participation, determining one’s extent of either marginalization or social value (Weiss 2009:18-19). Within the context of Congolese migrants, these practices of informal labor, global

consumerism, and value take on a different meaning. Engagement in extra-legal practices—not just engagement, but also knowing the rules of the game—becomes a particularly crucial element in navigating from economic exclusion to inclusion.

Much has been written on the oppression faced by Somali refugees and Somali-Kenyans, particularly following government-mandated “counter-terrorism” missions that result in periodic, rapid crackdowns on largely Somali populations leading to harassment, mass arrests, and forcible relocation (Amnesty International 2014). Knowing how dangerous it can be for refugees and asylum-seekers in Nairobi, I was surprised to find that many Congolese did not attempt to remain consistently under the radar, and in some cases, made conscious efforts to stand out. Among some, amplifying “Congolese-ness” is used as a marketing tactic; Angel Touch did not hide the Congolese nationality of its owners and staff, but instead advertised it quite freely through the Lingala and heavily-accented Swahili they would speak and their bold clothing choices. When I asked why this was, I was told by a member of staff that there is a common stereotype among Kenyans that Congolese hair stylists are the best at their job; as the manager of the salon told me, “My customers come here because they know we’re Congolese and expect us to do a better job with their hair.” This simultaneous existence of risks of discrimination and abuse for migrants along with the economic necessity to make one’s nationality known has implications for encounters with local authorities, as will be further discussed.

“Hustling” and the Good Life

“Hustling” is not a phenomenon unique to Congolese in Nairobi. The vernacular of hustling is widespread and transcends gender or class divides; it is used by poor urban youth, as well as by media personalities and politicians, adopting/appropriating the term to appear “cool” among the public (Thieme et al. 2021:5). In 2020, for example, Kenyan opposition leader and former Prime Minister Raila Odinga claimed that past and future presidents are “hustlers,” owing to their ambitiousness and work ethic (Iraki 2020). Even multinational companies tap into the popularity of the term; one day, I saw a large billboard along Ngong Road, a busy highway, advertising Kentucky Fried Chicken’s “Streetwise” menu. The caption beneath read, “When the hustle is hard, mealtime is easy,” illustrating the collision

of global consumerism and localized informality. Hustling is also a common term in American rap and hip-hop music, which I would frequently hear blasted through the *matatu* (public bus) speakers during my daily commutes; Eminem, Beyoncé, and JayZ all sang the praises of the hustle. What these songs shared in common were the themes of struggle, racial and economic marginalization, and against-all-odds success.

Kenyan politicians, American rappers, and multinational fast-food companies aside, it is important for this study to interrogate the usage and interpretation of hustling among Congolese, rooted in a belief of the importance of seriously considering specific and place-based “vocabularies of Southern urban practice” to expand understanding of these contexts (Bhan 2019:640, cited in Thieme et al. 2021:5). I would often hear the word said in English, intermixed with Swahili in sentences like “*naenda ku hustle*” (I’m going to hustle) and “*maisha ni kuhustle tu*” (life is just a hustle). The words aligned with the definitions of the “good life” I had been hearing; one must work hard to achieve one’s dreams. To “hustle” is also done with an end-point in mind; success means that one must hustle to get to the place where hustling is no longer needed (Munive 2010:334). One 18-year-old Congolese girl in Kabiria settlement described for me what the good life meant: “Flashy cars, fancy parties, shopping in malls, *never needing to hustle...*”

Aligned with a more positive framing of informal economic activity, I join other scholars who have studied hustling in an African context to signify survival and self-determination within unpredictable economic conditions (Amankwaa et al. 2020). Muthoni Mwaura (2017), for example, considers the growing trend of “side-hustles” among educated Kenyan youth and demonstrates how these individuals frame self-employment as taking responsibility for their own economic futures amidst high socio-economic insecurity. This is not to outright reject the conceptualizations of hustling within the realms of precarity and “waithood” (Thieme et al. 2021). One must avoid paying into a stereotype at the opposite end of the spectrum, of precarious economies being places of unbridled innovation (Thieme 2017:2). The reality is somewhere in between, and more optimistic framing contributes to a more nuanced, localized appreciation of the topic.

Aligning my own analysis with that of scholar Jairo Munive (2010), I would also posit that hustling in the informal economy in Nairobi goes beyond a mere survival strategy—not just to “make do,” but to add flavor, beauty, meaning, and purpose to life in the city. In other words, hustling to

achieve *maisha mazuri*, the good life. Weiss (2002:102) looks at the barber-shop scene in Tanzania as a site of the imagination, whereby Tanzanians imagine “possible lives” elsewhere. Imagination, he asserts, is not merely local, but rather extends to far off places and values, while also encompassing realities in the here and now (Weiss 2002:94). Anthropologist Arjun Appadurai (1996:3) argues that imagination is “a constitutive feature of modern subjectivity.” While Appadurai makes this claim in reference to how electronic media enables “imagined selves and imagined worlds” among migrants (1996:3), Burrell (2012:4-5) applies this logic to a spatial context, examining the role that Internet cafes play among youth in urban Ghana, and how particular public spaces enable highly interactive and transnational spaces for stimulating possible imagined futures in the here and now. Similarly, the kinyozi challenges notions of the traditional “refugee space,” geographies of waithood and “bare life” (Agamben 1998). Rather, the hairstylists of Angel Touch forge their own versions of inclusion, reconfiguring the local to lay claim to both present and future socio-economic ambitions.

In challenging the trope of the suffering refugee, however, I do not want to contribute to a new one: that of the happy and thriving refugee in the city, replacing “The Starving African” with characters who are “colourful, exotic, larger than life” (Wainaina 2005). The themes of meaning-making, belonging, and agency do not negate the presence of severe systemic oppression for many Congolese living in Nairobi. Just as there is a risk in generalizing the struggle of refugees, there is also risk in glamorizing the extent of Congolese “resilience” (I will return to the limits of this term later), agency, self-determination, and well-being. I heard from many of my participants and witnessed firsthand the evidence of limitations to their agency. Politically, for example, both documented and undocumented migrants in urban Nairobi have relatively little political power, and this has a multitude of ripple effects across other spheres of life in the city, from constraining one’s ability to register a formal business to being able to rent an apartment. The severe impacts of the COVID-19 pandemic (see Dempster et al. 2020, Nyadera et al. 2020) offered another solemn reminder of the consequences of structural barriers facing refugees and the urban poor in Nairobi and beyond, adding new urgency to the efficacy and limitations of migrants and community-based strategies for socio-economic resiliency, as well as public health implications for governments that systemically marginalize particular communities.

Defining “the good life” is a challenge long taken up by psychologists, philosophers, economists, and anthropologists alike (Guignon 2002, Robbins 2013, Trindade and Barnes 2018). For many Congolese I spoke with, finding employment and becoming economically self-reliant was described as a key strategy of pursuing the good life. The participants’ emphasis on economic self-reliance, at first glance, aligns neatly with the “resilience boom” within humanitarian circles and the refugee regime (Krause and Schmidt 2020:37), whereby concepts of resilience and self-reliance have become increasingly popular lenses for analyzing individual and collective abilities to withstand and respond to crises (Capstick 2018). One of the main objectives of both the Comprehensive Refugee Response Framework (CRRF) and The Refugee Compact (2018), for example, is to “enhance refugee self-reliance.”

Yet critiques of such frameworks include the risk of praising one’s ability to “bounce back” while overlooking the structural oppressions from which one is bouncing back in the first place. Palestinian scholar Malaka Shwaikh speaks about the downfalls of the resilience discourse, which she posits “imposes mythical terms on the colonized and deals with them as if they have supernatural ‘coping mechanisms’” (2021). It absolves structural oppressors of their responsibility and lessens the need for humanitarian intervention (Shwaikh 2021). Sinatti and Horst (2015) share a similar view in their description of the humanitarian framing of refugees as “agents of development” and the role of refugee “self-reliance” in easing the “burden” on the state or humanitarian regime. Furthermore, positioning refugees as economic actors has the effect of further entrenching the institutional strength of humanitarian organizations and power asymmetries between them and refugees, as the humanitarian concept of resilience today is still built on the binary conceptualizations of givers vs. receivers of aid (Krause and Schmidt 2020:23–24). Asset-based discourses, in addition, while having the potential to highlight refugee agency, are themselves indicative of a neoliberal framing of development as they continue to shift focus to the individual (MacLeod and Emejulu 2014:446).

Anthropology contributes to refugee scholarship, complicating such binary divides. The Congolese individuals highlighted in this piece show they are resilient and self-reliant, but only through dependency on systems and structures which enable them to be (e.g., hustle culture, petty bribery). As anthropologist Cindy Horst (2019:45) points out, understanding individuals’ small, everyday behaviors is vital for a deeper understanding and

appreciation of social transformation, as it turns our attention away from the macropolitical level of conceptualization so common within migration studies, which offers little room for identifying the role of individual and collective meaning-making and agency within contexts of socio-economic uncertainty. A research focus on the good life of refugees, on the other hand, recognizes and honors the agency of individuals and collectives in positively transforming socio-economic realities (Horst 2019:40). As this article demonstrates, hustling within the informal economy and engaging in processes of petty bribery are two important expressions of agentic and imaginative self-making to challenge realities of hardship.

Legal Context for Informality

What are the conditions that lead to refugees in Nairobi needing to hustle to make a (good) life for themselves? The paucity of formal employment opportunities notwithstanding, few work permits are issued every year,⁴ leading to many urban refugees seeking employment outside of the formal economy. British anthropologist Keith Hart (1973) is credited with coining the term “informal sector” in the early 1970s. His research on urban migrants in Ghana laid the foundations for later research on informality within African cities. Hart draws attention to informal workers as not a “passive, exploited majority,” but rather having the capacity to create meaningful, sustainable economic growth among the urban poor (1973:61). Indeed, Congolese in Nairobi are well-known for their skills in tailoring, music, and hair styling. The size and diversity of the populations of Kenya’s urban centers, particularly Nairobi, present numerous opportunities for forcibly displaced peoples to secure a livelihood that enables self-sufficiency in the absence of state or humanitarian support (Campbell 2006), easier access to remittances and transnational networks (Horst 2006), and work that is interesting and meaningful. As one of the managers of a kinyozi in Nairobi where I based much of my research, Angel Touch, told me, “I need to be somewhere where I can learn and innovate. In the camp, you are so limited.”

The large informal economy in Nairobi affords refugees an opportunity to circumvent legal barriers to income generation. Informality has been the focus of significant research in urban anthropology and migration studies and is generally recognized among both academics and practitioners as crucial in improving access to goods and services not otherwise

adequately provided by the state or humanitarian organizations (Oka 2011, Werker 2007). The informal economy is a shared characteristic of many cities in the Global South, and its presence and significance are increasing (Galdino et al. 2018). In Kenya, the informal sector represented nearly 85 percent of total national employment in 2019 (Kenya National Bureau of Statistics 2019:39). In Nairobi, it is often referred to locally as the *jua kali* sector, Swahili for “hot sun.” The term designates those who often work outdoors in informal occupations, though the term is now inclusive of anyone engaged in self-employment or small-scale enterprise (Hope Sr. 2014:69). Most of the Congolese I spoke with engaged in some form of labor within the informal economy, relying on it as their sole form of income in the absence of formal, legal income generating opportunities.

“Nothing is impossible, just more expensive”: Licensing Informality at Angel Touch Salon

Not only is hairstyling a common occupation held by Congolese in Nairobi (Pavenello et al. 2010:21), but *vinyozi* are unique spaces within the city where migrants and members of the host community engage in mutually beneficial physical and emotional interactions. While there are other spaces within the city that promote intergroup interactions, such as churches and community centers, hair salons require a greater degree of physical contact. At Angel Touch I would sit and watch as Congolese staff worked their fingers in and out of their Kenyan clients’ hair at the sink, then delicately wipe around the edge of their forehead and ears with the edge of a towel. This is a place where trust and dependency collide for Congolese staff and Kenyan clientele. *Vinyozi* provide “communities of trust” (Lyytinen 2017), described by Jabareen and Carmon as “a socio-spatial setting in which substantial relationships of trust among people exist, and in which people feel sheltered and safe because they do not perceive other community members as posing them a risk” (2010:447-448). “Doing hair” is intrinsically social and requires a great deal of trust and reliance on others. While hair can be done in the comfort of one’s home, there are many reasons to visit a *kinyozi*. More specialized services are typically offered here, and there is the expectation that the salon workers have greater skills and experience to do a professional job. Another reason is the consideration of personal safety. Hair relaxer products often come with warnings on the side against “unprofessional” application to avoid bodily injury (e.g., eye

injuries, chemical burns on the scalp if left on too long). The hot tongs used for curling hair, if not used properly, can also lead to burns on the scalp or neck. The risks are high, and one must have a high degree of faith in the competency of the stylist to carefully handle these supplies and tools. In tandem with having trust that one's stylist will not cause physical harm to the hair or body, the client must have faith in the stylist's competency. During hair washing, for example, the client must lean back and close their eyes for a few minutes, completely trusting the stylist to keep their clothing dry, apply the right amount of product, and rinse properly. In the case of Angel Touch Salon, it was unique to other spaces in the city which enabled or promoted Congolese-Kenyan interaction, because here, Congolese were in positions of power and control "over" Kenyans, requiring Kenyans to trust them with their hair and bodies.

The intimacy involved in hair styling can lead to deeper and more complex interactions between Congolese and Kenyans, extending beyond a simple exchange of money for services. When viewed through the lens of refugee-"host" relationships in Nairobi, the trust and closeness required in this particular client-customer dynamic take on new significance. Here, I borrow from Hart's definition of "reliance" as opposed to "dependency"; according to him, reliance "expresses complete confidence," and to rely on something, or someone, "is to be tied to it, bound" (1988:187). This is an accurate description of what I witnessed at the hair salon; the literal binding of client to stylist, their two bodies intricately connected through rituals of washing, shaving, weaving, and braiding. Hart's distinction between reliance and dependency becomes particularly germane. According to him, reliance becomes dependency when there is no choice. I would argue that both exist within the four walls of the salon in terms of the client-stylist relationship; the Kenyan clients, particularly, are not without choice when it comes to picking a salon. One cannot walk down a street in Nairobi without being within stone's throw of a hair salon. The clients of Angel Touch chose to come here, knowing that the stylists are Congolese. To sit down at a chair in a salon and hand over the fate of your hair (and scalp) to the stylist standing behind you requires what Hart (1988) calls "complete confidence." Once the hot tongs, the scissors, or the relaxer chemicals approach one's head, however, the client loses choice in the matter, and reliance turns to dependency. With roles reversed, the stylists are bound to the clients' discretion beyond the walls of the salon, where they could, if they so pleased, cause trouble with police officers or city

council workers. The minute services are rendered, the Congolese staff become wholly dependent on the civility of the clients. The hours spent in the chair promote a social familiarity between the two, and I would sit and listen as the Congolese stylists would chat with their Kenyan customers in Swahili about everything from the weather to politics and family (Dinah would translate bits and pieces for me). Because customers have “their” stylist who they return to exclusively every few weeks, the stylist becomes very familiar with the lives of their regular customers. While the customer’s chair faces away from the stylist, limiting face-to-face contact for most of their time in the salon, the physical closeness of hands on bodies and in hair reduces psychological and social distance (Anzaldúa 2012:20). Of course, the importance of trust runs both ways; the Congolese staff had to trust that their Kenyan clientele would not cause trouble for them with the authorities (I will return to this point shortly).

Knowing how hard it was acquiring a work permit as a non-national in Nairobi, I was surprised to see the paper hanging up on the wall of Angel Touch salon and so many of the other Congolese-owned vinyozi and shops I visited, particularly those I would have considered to be operating within the jua kali sector. Illustrating the complex interplay between formal and informal in Nairobi, the large size of the informal sector in Kenya does not reduce the number of business licenses or work permits applied for but actually increases demand for licensing for the *appearance* of formality (Transparency International Kenya 2015:28). Obtaining this licensing is done through various means at multiple points along the spectrum of legality; I had heard stories of business owners acquiring one from the infamous River Road (a shopping district known for the sale of counterfeit documents), while others had a Kenyan spouse or business colleague register. Several of my interlocutors told me they purchased theirs directly from the city council. The means of acquiring or the authenticity of the license seem to be of less importance than its presence on a business’s wall.

There are some important differences between Angel Touch and its Congolese-run vinyozi counterparts in the city’s informal settlements. Angel Touch is located in a fairly prestigious part of Nairobi, the Central Business District, with high traffic flows of more affluent Kenyans rushing to and from work. It is not a 100-square-foot salon with corrugated metal walls, sandwiched between vegetable stands; it is housed in a tall glass and concrete building with electricity and plumbing. The solidness of its walls is a fitting metaphor for the business itself and the Congolese staff

it employs; this is an operation here to stay (or at least, trying to). I say this because it is important to consider nuances within the refugee “community,” for lack of a better term, as it has implications for discussions around licensing. Monteith and Mirembe (2021) differentiate between Kenyans and transnational migrants by suggesting the latter engages in an “uprooted hustle,” in which income generation is part of a wider transient trajectory. This may be the case of other Congolese—like Blessing, the woman described in this piece’s introduction—where hairstyling is the type of money-making activity that can be set up and packed up at a moment’s notice, a simple means of survival in a context where there are few other options, and part of a wider trajectory of mobility and aspirations for the future. Yet unlike Blessing, Emmanuel, as the manager of Angel Touch, has rooted himself in Nairobi to oversee the salon. He has lived in the city for nearly a decade, and his children attend school there. He has invested time and money in the salon, and oversees a staff of seven for whom he is responsible. Considering place-based and temporal examinations of the hustle economy among transnational migrants (see for example, Monteith and Mirembe 2021, Sewpersad and Maharaj 2023), the role of formal and informal processes of legitimization take on a new dimension of importance. The *rootedness* of Emmanuel and Angel Touch, as an inversion of Monteith and Mirembe’s (2021) uprooted hustle, contrasts with the fluid and ambiguous nature of other elements at play—namely, the legal status of its staff, the licenses on the salon’s wall, and perhaps the temperaments of the local authorities.

In the salon, Emmanuel pointed to a framed paper on the wall over the reception desk that held the salon’s business license. Regardless of the legality of the business, the risk of harassment and penalization by the authorities persists. He told me about a time when one of the salon’s female Kenyan clients was left disgruntled after receiving what she considered to be a sub-par service.

Last week, a customer brought a police officer here. She was upset about her hair order so she brought two police. She wanted 3,600 Ksh for herself and 2,000 Ksh for the police [approximately 28 USD and 15 USD, respectively]. She knew we were Congolese and that we don’t have anyone to defend us, so she brought a couple ‘friends’. We didn’t want the hassle; they’ll say ‘you’re a foreigner, how about we put you in the car and take you to the station?’ Honestly, it’s

better to pay the bribe and avoid the hassle. If you have an issue with someone they'll just respond with, 'Who do you think you are? I can get you deported!' It makes me feel angry, but what can I do? I feel so powerless.

In theory, there are real consequences if one is caught without a work permit or business license. Section 53(1) (m) of the Kenya Citizenship and Immigration Act (2011:49-50) states that any person 'not being a citizen of Kenya, engages in any employment, occupation, trade, business or profession, whether or not for profit or reward, without being authorized to do so by a work permit...' commits an offense liable to a fine of up to five hundred thousand Kenyan shillings (approx. \$5,000 USD), imprisonment up to three years, or both.

A great deal of licensing is required to (formally) operate a salon in the city; it must have a business license, as well as licenses for playing music, playing a television, and having a fire extinguisher. Emmanuel pulled out a thick binder and dropped it on the front desk, flipping through loose sheets of paper—certificates, permits, and notices. He told me, "Those guys who were arrested [in a 2019 crackdown], they didn't have the right paperwork. So there's definitely more stress, but if you follow the rules, it'll be ok. I have a family now; I have to make sure I follow the rules," he said, motioning to the binder. What rules, however, are followed, seems to vary within the salon. Emmanuel later told me, for example, that because the business permit price was partially based on the number of staff working on the premises, he underreported the number of people employed. This was easy to get away with within the salon industry, he explained, because of the variability of staff shifts and hours worked. The difference, perhaps, then lies in which rules are more *visibly* apparent when followed/broken, versus those which are far easier to hedge and get away with.

In Ference's (2021) ethnographic study of *matatu* (public mini bus) workers in Nairobi, the lens of 'fiscal disobedience' is applied, whereby regulatory authority, such as the state, is undermined (see Simone 2004 and Roitman 2005, both cited in Ference 2021:18). One of the ways in which the staff do this is by redistributing earnings to un/underemployed friends, rather than report it to the bus owners (Ference 2021:21). It was not clear whether, in Emmanuel's case, there is a similar 'Robin Hood'-esque moral discourse to that of the *matatu* staff of Ference's study, by which authorities are denied funds in order to share the wealth with those

in need. Yet what both cases have in common is the occurrence of a spectrum of disobedience within wider structures of licensing and formalized reporting systems. Both cases, as well, indicate gaps in the system in which disobedience can go unseen, or left uncaught by authorities. For Emmanuel, for example, variances in staff are common in the hair industry, and the staggered shifts of his staff means it is unlikely authorities would get a sense of the exact number of staff.

Yet when it came to business licenses, I encountered a desire among many Congolese business owners to demonstrate the operation of a 'legitimate' business. In Nairobi, licensing is something that must be displayed publicly in all places of business (Trade Licensing Act 2006:7). Failure to comply can lead to penalties. Legitimacy, then, is largely tied to the acquisition and display of paperwork. Motioning to the thick binder again, Emmanuel told me, "If you don't have paperwork, you can pay bribes, but it's not professional. It disturbs the customers. We are a *legitimate* business," he insisted, weighing the thick folder in the air for proof. It was not clear if the folder was filled with genuine licenses or counterfeits—and I did not ask. Did it matter? The physical stack of papers in Emmanuel's hand, authenticity aside, clearly held currency for him and his business. One of the reasons for obtaining a license, he said, is because "It's not cheaper to pay bribes instead of buying a business license in the long run." This, he claims, is "because city council will keep coming for bribes, and they'll call someone else who will come, and it'll never stop." If it was as simple as buying one, then, I asked him why everyone didn't have a business license. "If you have a cover," he shrugged, "You don't need one." I asked what he meant by "cover." "You know," he said, "a connection to city council. Just call them and the officials will keep their distance." He continued,

Nothing is impossible, just more expensive. Everything is possible in Africa if you have enough money. I don't feel controlled, but I think the government is going in that direction. But the more things they make more difficult—like getting a cell phone or opening a bank account—just makes it more expensive for us. You just have to know the right Kenyan to bribe.

“Kitu Kidogo”

In a country where the simplest task can become bogged down in red tape and paperwork, “knowing someone on the inside” can expedite processes exponentially—for a fee, of course. At the local level, it is not uncommon for police officers and city council officials to ask for “*kitu kidogo*” (Swahili for “a little something”) or “*chai kidogo*” (“a little tea”), code for a small bribe, to look the other way when they encounter unregistered places of business among refugees and immigrants. Corruption is not encountered by foreigners in the city alone; 45 percent of Kenyans polled for the 2019 Global Corruption Barometer believe “most or all” local government officials are corrupt, up from 26 percent in 2015 (Transparency International 2019:38). Bribery is so prolific in Nairobi it transcends fringe corruption—it is a system, a culture, a commonplace way of life where the legal/illegal lines become blurred as part of the “daily negotiation” that is the local bureaucratic apparatus (Blundo 2006:814).

Petty bribery, like hustling, plays an important role in simultaneously producing precarity and circumventing it for Congolese as they make efforts to generate income in pursuit of the good life. In fact, I frame bribery here as a form of hustling, in that it is an economic exchange undertaken with the aim of “pushing life forward,” as the woman quoted at the beginning of this article put it. Hustling does not just occur within the realm of informality; the lines between legal/illegal and formal/informal are rarely clear, and many aspects of the economic lives of Congolese occur in the bleeding edges of these categories, resulting in both benefit and risk.

Though informal transactions like these between migrant and public servant may seem chaotic, they occur within constraints and parameters to result in an order of sorts. Lipsky (2010:58) points out in his study of “street-level bureaucrats” that there are limits to how much a bureaucrat can demand from a “client,” as an over-abuse of power would result in a depletion of the clients’ resources and the inability to continue future transactions. When I asked a Congolese hair stylist in the part of town called South C if she worried about her unregistered salon being shut down if she did not acquire a business license, she replied, “They [city council] will take bribes, but they won’t shut you down. Because then where would the bribes come from?”

Hustling as Agency

There is a significant gulf between international and national legislation and policy and what occurs in everyday life “on the ground” in Nairobi. Critical analyses of bribery reflect this divide, commonly viewing it through a legalistic lens as a form of corruption without considering more complex localized understandings, such as gifts or social obligation (Polese 2014:382). While I initially strove to think of these transactions as amoral in an effort to strip my own moral/cultural alignments from prejudice, Olivier de Sardan (1999:25), in his conceptualization of a “moral economy” of corruption in Africa, suggests that the amoralization of bribery overlooks important social and cultural norms that are important for legitimizing the transactions in the minds of its participants. In other words, regardless of where these transactions are in relation to formal policies, “corruption,” in all its forms, is often viewed as legitimate by those who participate in it (Olivier de Sardan 1999). While Transparency International (n.d.) defines corruption as the abuse of entrusted power for private gain, I would suggest a lopsidedness in this conceptualization in that it only considers the negative implications of localized forms of corruption, such as bribery, and that this perpetuates the unfair, and inaccurate, narrative of refugees as victims of abuse. As Olivier de Sardan comments, corruption in Africa must “be studied from the viewpoint of the participants” (1999:25).

While I never had the opportunity to get the perspectives of police or city council members who had asked for bribes, I did speak to Congolese who had experienced being asked for *kitu kidogo*. There was sometimes a sense of inevitability in their accounts; if one has a run-in with the police, one can expect to be asked for a bribe. A 23-year-old man in the city for four years told me that he had recently paid a “kitu kidogo” to police officers after being arrested once (he did not say what he was arrested for), and when I asked how the experience of being asked for a bribe made him feel, said, “I felt normal, because this is Nairobi.”

Though several participants I asked expressed a firm belief that engaging in petty bribery is simply wrong, bribery did have its own moral value among others I spoke with. There are numerous studies that explore how, across the continent, petty corruption is justified by local moral norms, namely obligations to family and friends (Anders 2009, Anders et al. 2020, Blundo and Olivier de Sardan 2006, Mbembe 2001). Felices-Luna (2016:134), in her qualitative study of corruption and illegality in DRC, writes about an “alternative moral order” that exists among members of

the military and police she interviewed, all of whom admitted to engaging in corruption in some form or another, as it was so “embedded in the activities of everyday life.” This reframing of behavior, according to Felices-Luna (2016:134), was a mechanism used to maintain claims of morality while engaging in “immoral” behaviors. Such a complicated and often perplexing dance of logics was encountered among my own interlocutors.

Many authors have examined the economic practices and attitudes within neoliberal societies from a moral standpoint at the intersection of material, social, and cultural phenomenon (Whyte and Wiegatz 2016:4), asking how values around money have changed and what is considered to be appropriate, legitimate and justifiable in how one earns a living (Iglesias-Pérez et al. 2018, Whyte and Wiegatz 2016:4). Discourses and practices centered on self-interest and entrepreneurialism embedded within neoliberal policies, for example, have promoted and enabled the “marketization of all social relations” and “the corresponding restructuring of people’s subjectivities, relationships, and everyday practices” (Harrison 2005, 2010; as seen in Whyte and Wiegatz 2016:4). Dillon Mahoney’s (2017) study of informal economies in Mombasa on the Kenyan coast also illustrates how the neoliberal economy of countries like Kenya shift greater risk from the state to individuals, and how new opportunities afforded by global cosmopolitanism and informality bring with them new risks of exploitation.⁵ Authors who have examined hair salons in east Africa, such as Brad Weiss (2009:9), suggest that *vinyozi* are particularly salient spaces to examine how individuals navigated (and continue to navigate) changing socio-economic conditions born from neoliberal reforms. With political and economic restructuring, markets were being opened up to the global flow of goods and media, and formal employment opportunities dwindled, resulting in a simultaneous widening of imagined styles and aspirations and a shrinking of ways for such fantasies to be realized (Weiss 2009:9).

Cultures of hustling and *kitu kidogo* reflect not just a “marketization of social relations,” but also a marketization of asylum and migration, whereby earning and paying money is a means for survival, protection, and wellbeing. Campbell (2006), in her study of Somali business owners in Nairobi’s Eastleigh neighborhood, describes the imbalance of risk and gain of corruption:

For wealthy entrepreneurs the system often works to their advantage, enabling them to purchase desired properties and turn them

into commercial enterprise, despite zoning laws or other restrictions. For less wealthy and poor refugees (the majority), bribery—or extortion—is a source of abuse and harassment, under which hard earned wages often disappear into the hands of eager police, leaving the person with no money and hence nothing with which to buy necessary daily staples (Campbell 2006:21).

Campbell's quote highlights how bribery "works to the advantage" of the rich. Without valorizing corruption or glossing over its severe consequences, particularly for the most socio-economically "vulnerable," I would offer a supplementary argument: that bribery can also serve a purpose for less financially-secure refugees and asylum-seekers.

Police bribery, for example, provides a way for migrants to circumvent the law, leading to economic growth and social development (Hoinaru et al. 2020), especially when the law is seen as unfair or selectively applied, and a method for participation in economic processes the state excludes them from (Gupta 1995). These local officials have the capacity to expedite procedures, protect their "customers" from penalty, and enable them to assert their rights (Blundo 2006:816). In the case of my interlocutors, the protective function of local authorities was illustrated when one of the Congolese managers of a refugee community center told me that he pays rent for the building to the local police chief, who owns the property.⁶ In return, he says, the local police leave him, the organization, and its refugee members alone. Whether this is a simple payment of rent between tenant and landlord, bribery paid from refugee to an authority figure in exchange for protection, or a little of both, it is not clear. The reality is likely somewhere in the hazy space between, the legality left unspoken yet the practical implications and benefits—even if lopsided—understood by both parties.

Conclusion

This article sheds light on the intricate socio-economic realities faced by Congolese refugees in Nairobi, emphasizing the inadequacy of binary distinctions between legal and illegal, formal and informal. Drawing from interviews and observation at a Congolese-owned and staffed kinyozi, it demonstrates how refugees adeptly navigate legal barriers to income generation while adhering to the values of a neoliberal paradigm that prioritizes

entrepreneurship and adaptability. Furthermore, the study builds upon existing literature on informality and hustle culture in the African context, emphasizing agency and negotiation in the face of economic precarity (Amankwaa et al. 2020, Muthoni Mwaura 2017, Stark and Teppo 2021). Importantly, it incorporates the perspectives of those engaged in localized systems of petty bribery, a perspective often overlooked in discussions of corruption. The cultures of hustling that emerge from this context reflect a commodification of migration and individual migrants themselves, wherein money serves as a means not only for survival but also for thriving. Hustling, despite its challenges and informality, is intrinsically linked to the pursuit of the good life, underscoring the agency and creativity of these individuals in the face of adversity.

By examining the multifaceted dimensions of hustling, which encompasses participation in the informal economy and engagement with systems of petty bribery, humanitarian actors and policy makers stand to gain a more thorough understanding of how refugees craft their own conditions of socio-economic inclusion and well-being within conditions of urban exclusion. The role of imagination for better futures and the various ways in which it manifests should be better incorporated into both academic and policy considerations of local-global ties and how and why people do the things they do (Weiss 2002:93-94). Questions around the imagination-behavior nexus are particularly salient for scholars and policy makers interested in the outcomes of urban migrant aspirations, and how hustling is an integral part of those processes. Hustling occurs where marginalization meets possibility, and there is perhaps no better place within Nairobi than a Congolese-run kinyozi to witness exclusion co-existing with self-fashioned inclusion. As Emmanuel, the manager of Angel Touch, said, “Nothing is impossible, just more expensive.” Such a remark demonstrates a remarkably aspirational view of possibilities and the power of money. One can appreciate both the structural inequalities facing refugees working within the (in)formal economy in Nairobi and the range of aspirations and actions made possible by the hustle. ■

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Endnotes:

¹All names have been changed to protect anonymity.

²In my use of the term "refugee" throughout this piece, I refer to all Congolese participants who, unless otherwise specified, self-identified as having left the DRC due to instability. My use of the term is not limited to sovereign categorizations, therefore (Lacroix 2004:149), but rather as a depiction of the complex subjectivities of Congolese individuals who have been forced to leave their home and make a new life for themselves in Nairobi. Like Al-Sharmani (2004:1), my use of the term refugee is born from the idea of "refugeeness" to describe complex processes of displacement and daily realities in one or more host societies. Refugeeness, as migration scholar Liisa Malkki puts it, is a "process of becoming a gradual transformation, not an automatic result of the crossing of a national border" (1995:114).

³The name of this kinyozi has been changed to protect the anonymity of its staff and clientele.

⁴Many refugees in Kenyan cities live with limited options for formal employment. In theory, for those with refugee status, the Kenyan 2006 Refugee Act provides refugees the same rights to employment as other non-citizens, as stipulated by the Kenya Citizenship and Immigration Act 2011 (Kenya Citizenship and Immigration Act 2011), which permits the granting of "Class M" permits for non-nationals which generally last two to five years. This, of course, requires them to have refugee status and permission to live in Nairobi, and does not apply to the many Congolese in the city who do not have legal refugee status. Even for those who are legally recognized as refugees in Nairobi, it is extremely rare to be granted a Class M permit.

⁵While much of Mahoney's (2017) work is applicable for refugees in Nairobi, it is an important reminder that Kenyan citizens working within the informal economy also face marginalization.

⁶The practice of refugees paying local police for protection is explored in greater depth by Crush et al. (2017) in their study of refugees working in the informal sector in South Africa.

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Foreign Language Translations:

Hustling for the Good Life: An Ethnographic Study of Informality and Legality in a Congolese Hair Salon in Nairobi, Kenya

[**Keywords:** refugees, informality, hustling, bribery, agency, neoliberalism]

Fazendo-se à Vida para uma Vida Boa: Um Estudo Etnográfico sobre Informalidade e Legalidade num Salão de Cabeleireiro Congolês em Nairobi, Quênia

[**Palavras-chave:** refugiados, informalidade, aliciamento, suborno, agência, neoliberalismo]

Погоня за хорошей жизнью: Этнографическое исследование неформальности и легальности в конголезском парикмахерском салоне в Найроби, Кения

[**Ключевые слова:** беженцы, неформальность, хастлинг, взяточничество, агентство, неолиберализм]

为美好生活打拼：对肯尼亚内罗毕一家刚果理发店的非正规性与合法性的民族志研究

[**关键词：**难民、非正规经济、奔波求生、贿赂、能动性、新自由主义]

السعي وراء حياة جيدة: دراسة إثنوغرافية حول عدم الرسمية والشرعية في صالون شعر كونغولي في نيروبي، كينيا
كلمات البحث: اللاجئين، العمل غير الرسمي، الاحتيال، الرشوة، الوكالة، الليبرالية الجديدة