

CANADIAN JOURNAL of URBAN RESEARCH

REVUE CANADIENNE de RECHERCHE URBAINE

Metal at urban margins: Regulating scrap metal collecting in Winnipeg, Canada

Kevin Walby
Criminal Justice
University of Winnipeg

Steven Kohm
Criminal Justice
University of Winnipeg

Abstract

Scrap metal theft and collection has captured the attention of criminology and criminal justice scholars. Mainstream criminological research on scrap metal theft is focused on opportunity theory, arguing that theft can be reduced through stringent regulation of buying and selling by salvage yards. Alternatively, cultural criminology has examined the issue in ethnographic research exploring dumpster diving and scrounging. Additional conceptual tools are needed to analyze regulation of urban metal collecting, which leads us outside of criminology. The present study draws from urban studies and socio-legal studies to conduct a case study of the policing and regulation of scrap metal theft in Winnipeg, Canada. Using multiple methods including interviews, observations, analysis of news media and municipal regulations, we examine how scrap metal collection and processing is regulated in the city. We found four layers of regulation and law: federal, provincial, municipal laws, and what we refer to as the law of the lane. Our analysis contributes to literature on urban scrap and metal collecting and well as socio-legal literature on urban forms of regulation.

Keywords: metal collecting, law, regulation, urban, community, scrounging

Résumé

Le vol et la collecte de ferraille ont attiré l'attention des spécialistes de la criminologie et de la justice pénale. La recherche criminologique courante sur le vol de ferraille se concentre sur la théorie des opportunités, faisant valoir que le vol peut être réduit par une réglementation stricte de l'achat et de la vente par les chantiers de récupération. Alternativement, la criminologie culturelle a examiné la question sous le regard de la recherche ethnographique explorant les plongeurs des bennes à ordures et les maraudeurs d'ordures. Des outils conceptuels supplémentaires sont nécessaires pour analyser la réglementation de la collecte des métaux en milieu urbain, ce qui nous conduit en dehors du domaine de la criminologie. La présente étude s'inspire d'études urbaines et socio-juridiques afin de mener une étude de cas sur la police et la réglementation du vol de ferraille à Winnipeg, au Canada. À l'aide de plusieurs méthodes, notamment des entrevues, des observations, l'analyse des médias et les règlements municipaux, nous examinons comment la collecte et le traitement de la ferraille sont réglementés à Winnipeg. Nous avons trouvé quatre niveaux de réglementation et de droit: les lois fédérales, provinciales et municipales, et ce que nous appelons « la loi de la voie ». Notre analyse contribue à la littérature sur la collecte urbaine de ferraille et de métaux ainsi qu'à la littérature socio-juridique sur les formes de régulation urbaine.

Mots-clés: collecte de métaux, loi, réglementation, urbain, communauté

Canadian Journal of Urban Research, Summer 2020, Volume 29, Issue 1, pages 105–118.

Copyright © 2020 by the Institute of Urban Studies.

All rights of reproduction in any form reserved.

ISSN: 2371-0292

Introduction

In April of 2018, CTV News in Winnipeg reported that an electricity pole had been cut down in an alley in the north end of Winnipeg, Manitoba, Canada. A representative from the local electrical utility Manitoba Hydro indicated that someone using a chainsaw likely felled the pole to obtain the copper contained within the equipment at the top of the pole. “Certainly you should not be cutting down wood poles with a chainsaw—that in and of itself is highly stupid” (Keele 2018). Manitoba Hydro asked scrap metal dealers to be on the lookout for someone trying to sell copper that appeared contaminated or tampered with. Such curious and even harrowing scenes raise several questions about scrap metal. Who are the people that collect scrap metal? Who are the people that operate scrap metal yards? How do these people organize their work? How is this largely invisible activity woven into the rhythms and fabric of urban life?

This paper examines scrap metal collecting and processing in Winnipeg, a city located in the middle of North America approximately eight hours north of Minneapolis by car. In the late 1890s, Winnipeg was known as the Chicago of the North because of its large rail yards, bustling stockyards, and ambitious architecture including Canada’s first skyscraper (Bellamy 2017). It was the site of the Winnipeg General Strike in 1919, thought to be the largest labour action in North American history. Winnipeg is now a hard-scrabble city where urban poverty and de-industrialization are front and centre around every corner and in almost every quarter (Sanscartier and Gacek 2016; Silver and Toews 2009). It is a railway city, a union city, a city with several of Canada’s poorest neighbourhoods and was dubbed “Canada’s Most Racist City” by a national news magazine (MacDonald 2015). When we began this research, we made several assumptions about scrap metal collecting in this urban context. First, we assumed most scrap metal collectors would be doing so to survive day to day. The neoliberal city is one that creates spaces of exclusion and abject lives (Loughran 2014; Zukin 1987). We assumed scrap metal collectors would be a part of the urban abject who are subject to surveillance due to inequality and stigma (Monahan 2017). Second, we assumed there would be some policing of scrap metal collection that involved public police, notably because previous academic studies found the activity to be criminalized (Brisman 2010) and most local media reporting frames the activity as crime. Moreover, the local city by-law mentions public police as a player in the licensing process and municipal regulation of metal yards. It is often assumed that public police are highly involved in the regulation of daily life in western societies (AUTHOR), and many police regulatory activities in the city are visible by design.

This paper is about departures from these assumptions that our research compelled us to make. First, we found there are many kinds of people doing this work, from street-involved folks to retirees and white middle class dads and moms, to more industrial-scale collectors. Scrap metal yards are bustling places full of interesting characters from many walks of life. It turns out scrap metal collecting and processing is a practice that is plugged into global circuits of capital, worth billions, but that it is a diverse field of urban practices and processes too. Second, almost no one we talked to, from collectors, to yard managers, had much to say about any experiences with public police. In this sense, scrap metal collecting is a kind of invisible work, especially as it regards the gaze of police officers. This does not mean that the scrap industry is without regulation. It means instead that some less visible forms of regulation feature more prominently, which is consistent with urban governance more broadly (Lippert 2014; Shields 2004). We found four layers of regulation and law at play in urban metal collecting: federal, provincial, municipal laws, and finally drawing from socio-legal literature on legal pluralism what we call the law of the lane.

This paper is organized in four parts. First, we review literature on metal collecting, law, and the city. Second, we review our research methods, including our use of interviews and observations. Third, we analyze our empirical material with a focus on the layers of law and informal regulation evident in this case. Our analysis adds to literature on urban scrapping and metal collecting and as well literature on urban forms of regulation. Finally, we reflect on what our findings mean for literature on metal collection, law and the urban.

Urban metal collecting and law

Much of the criminal justice and criminological literature about this topic focuses on metal theft or metal collecting as theft. This literature suggests that global commodity prices, deindustrialization, and urban decline have fostered the conditions for increasing rates of metal theft (Sidebottom et al. 2011). Posick et al. (2012) use opportunity theory to explore metal theft as a kind of criminal activity similar to other crime in terms of spatiality and temporality. Whiteacre et al. (2015) examine repeat victimization, place, and metal theft. Mares and Blackburn (2016) likewise explore metal theft prevention strategies in St. Louis, Missouri, USA. They examine the implementation of a scrap

metal ordinance (or by-law) aiming to prevent metal theft in residential areas, and the consequences of doing so. Ashby et al. (2016) focus on metal theft and the railway network of Great Britain. They contend that metal theft is planned and highly organized as opposed to opportunity-based (also see Ashby and Bowers 2015). Robb and colleagues (2015) focus on the solvability of metal theft in rail yards. Also focused on crime, Bennett (2008) calls metal theft the dark side of the global recycling market. Stickle (2017) provides a typology of scrappers based on an ethnography of scrap work, focusing primarily on metal thieves, conceived as a distinct subtype within the subculture. Stickle examines the informal codes of conduct that emerge among metal thieves and collectors (also see Ferrell 2014, 2006).

There are analytical and empirical limits to conceiving metal collection as theft. Thankfully there are also broader, multidisciplinary approaches to examining scrap metal collection and other forms of scrounging. A multidisciplinary approach to law and the urban is necessary to explore additional dimensions of this phenomenon. Along these lines, Ashby et al. (2012) look at documentary film representations of scrapping. deGraft-Yankson et al. (2017) discuss the standpoint of artists who use scrap metal. Zimring (2009) explores some aspects of metal collecting in his examination of municipal recycling practices (also see Scheinberg and Anschutz 2006). Chohaney and colleagues (2016) consider the environmental and recycling dimensions of metal collecting in urban Detroit. Another dimension of scrap metal collection is how scrap metal collectors feel about themselves, their self-image. Savio (2017) has examined the issue of stigma management in dumpster diving in New York City, yet little is known about the case of scrap metal collectors and stigma. Ferrell (2006) explores the work that goes into scrounging. Ferrell's (2006) work identified the social, legal, and spatially marginal aspects of scrounging in a critique of global hyper-consumption. He also assesses the forms of community that emerge among scroungers. Brisman (2010) argued that scrounging is a socially useful activity that reduces waste by recycling valuable materials, but is nonetheless criminalized. Muller (2012) shows that there are high levels of civility, cooperation and community among people involved in urban scrounging, as does Barnard (2011). Samson (2009) examines the organizing and activism of waste pickers around the world. Strasser's (1999) important historical study examines the reciprocal relationship between consumption and waste, documenting the shift from nineteenth century cultures of recycling to industrial scale waste disposal industries in the twentieth century. Metal recycling in the post-industrial era affirms Strasser's (1999: 5) assertion that the concept of waste is socially constructed, that "nothing is inherently trash" (also see O'Brien 2012; Melosi 2005).

Metal collecting is a topic of interest to urban studies scholars, given that scrapping is a unique form of work generated by the post-industrial city. Waste and the urban condition are tethered together in ways that cannot be untangled (Millar 2014; Scheinberg and Anschutz 2006; Ackerman and Mirza 2001). Metal collecting is also of interest to green criminologists or green cultural criminologists (Brisman and South 2014) given the focus on recycling, and claims about pollution and contamination. However, perhaps as much in line with legal geography (Braverman 2011; Carr 2010; Blomley 1997) as cultural criminology, our focus in this paper is the regulation of metal collecting which requires that we draw from socio-legal studies. The regulation of scrap collecting or scrap work requires some attention to law and regulation. Law is a primary way in which daily life is regulated, though exactly what law is and how it works is subject to debate (Hunt 1993). Most certainly, law is not reducible to state or federal legal statutes. Law may be more or less formal, more or less visible, more or less based on specialized knowledges, and more or less effective. Scholarship has moved toward examining multiple, overlapping layers of law, parallel knowledges, and the jurisdictions in which this all unfolds (Fitzpatrick 2017). The urban is a unique site in which to explore law given that it is a point of convergence of many layers of government and jurisdiction (Valverde 2011, 2008; Walby 2007).

The legal pluralism literature has pushed the furthest toward this decentered, less state-centric understanding of law (see Melissaris 2016; Tamanaha 1993; Merry 1988). We draw from literature on legal pluralism (e.g., Merry 1988; Griffiths 1986) to comprehend the multiple layers and types of law involved in scrap metal collection and processing. We do so because of our finding that public police are little involved in regulating scrap metal collection and that other laws (by-laws, environmental law) are more central. Plural legalities strongly shape urban space and the possibilities for justice (Robinson and Graham 2018). We also draw from the idea of living law (Nelken 1984) to refer to the norms for decision-making around metal collecting, which we refer to as the law of the lane. The focus of literature on Eugen Ehrlich's concept of living law is how norms for decision-making can emerge organically or spontaneously in particular locales (Webber 2009). The law of the lane is a fluid, normative, negotiated order that metal collectors themselves constitute without recourse to police or more formal types of law. Our focus on legal

pluralism and living law provides a framework more consistent with how law emerges and operates in the city, which is also consistent with recent literature on “urban informalities” (Marx and Kelling 2019) that examines urban regulation in all of its multiplicity.

Note on method

Before we address the layers of law involved in scrap metal collecting, we reflect on the design of the study. In terms of research methods, though we work in an academic Criminal Justice department we both have a background in urban studies and qualitative inquiry. While we did not conduct an urban ethnography like Jeff Ferrell’s (2006) captivating account reported on in *Empire of Scrounge* or Ben Stickle’s (2017) *Ethnography of Scrap Metal Collectors and Thieves*, and while we did not talk to people for as long as Studs Terkel (2011a, 2011b) did for *Hard Times or Working*, these key texts were all inspirations for our study. We recruited participants by placing posters on poles in areas around the west end, north end and central parts of Winnipeg where most scrap metal yards are situated. We also placed advertisements on Kijiji and two scrap metal yards helped us spread the word by displaying our poster in their front office. We interviewed 17 people, including collectors and yard managers. We biked around observing activity in alleys, roads, and metal yards in many parts of Winnipeg over a period of about four months in the summer of 2018 (also see Flood 2002 on socio-legal ethnography). Our observations focused on the methods and routines of metal collecting and the types of scrapping work we could see in some city spaces. For scrappers, we interviewed 13 men and one woman. For yard owners and managers, we interviewed two men and one woman. Most interviews were carried out face to face in locations around the city that were convenient to scrappers. A few interviews were conducted by telephone. We realized that time was money for scrap sellers and buyers. Interviews often unfolded quickly and off the cuff in the fleeting moments between hauling and processing scrap metal during the daylight hours of the summer months.

As Perez (2019) notes in her exploration of the work of waste pickers in Cape Town, South Africa, it is necessary to think about the ethics of doing such research with persons who may feel marginalized or may be experiencing poverty. Eddison-Cogan (2018) reflects on how stigma of waste collecting sticks to collectors and even researchers. We considered such ethical issues in our design. We did not want to impede people from collecting metal or going about their routines. We saw many people on bikes with makeshift carts in tow behind or pushing shopping carts full of metal scrap. We have also seen people with makeshift sleds collecting scrap out of alleys during Winnipeg’s ultra-cold winter. Sometimes we would converse with them if an opportunity presented itself. For example, if the individual was waiting in line and otherwise unoccupied with the work of collecting or transporting metal. We also did not want to make people feel like they were being followed, although at times we suspect that some of the subsistence scrappers (Stickle 2017) might have mistaken us for police when we approached them in the city. Most often, we would simply hand working scrappers a flyer and let them decide if, when and how to communicate with us about their experiences.

Regulating scrap in Winnipeg

Scrap metal is one of many objects in the post-industrial city that may be considered dirty, polluted, or abject (Douglas 1994). In this way, scrap collectors and scrap yards may be stigmatized. As with other noxious industries like heavy manufacturing and meat processing, scrap metal yards are relegated to the most marginal and undesirable districts of the city through exclusionary zoning regulations.

There are a dozen scrap metal yards in Winnipeg, ranging from the haphazard to the prudently manicured tucked behind high fences. Some yards are modest standalone family businesses that date back several generations to the early twentieth century. Other yards are one of a string of outlets operated by giant multinational metal conglomerates headquartered in Brazil or Russia. All contain heaping piles of jagged metal, cranes and crushers, scales and shredders. Workers buzz around the yards driving forklifts and loaders while cars, pickup trucks, bicycles and eighteen-wheelers line up to offload their cargo before heading to the office to collect payment. We went to the yards looking for people to talk to, and looking for law.

Often law was not apparent and required probing to find. When law was seen, sometimes it was a mirage. At one site in an industrial district bordering a middle class area in the south of the city we saw a sign alerting all entering of Operation Hands Off, a national property identification program, associated with the Canadian Crime



Figure 1: Shopping carts outside scrap metal yard

Stoppers Association. This is a federal level initiative. It appears to be a stern warning, a serious form of law. However, the program is a private initiative with dubious connections to law enforcement or the state. Moreover, the police inspections do not occur, and infocrime.org also listed on the sign no longer exists.

The sign is perhaps best understood as what Hermer and Hunt (1996) call the official graffiti of the everyday, one of the signs that persuasively appears to represent law and the presence of the state. Official graffiti hails someone who views it to act in a certain way, much like a command from a police officer might. When the sticker is peeled off one needs to look more closely at other levels of regulation to get a sense of how order and disorder are mediated. In this sense, federal criminal law is not central in the daily lives of scrappers.

In the midst of our inquiry one yard was ordered to cease its operations. A neighbourhood association from the adjacent residential area complained about the operations of this scrap yard and another nearby metal recycler. It was found that the scrap yard was operating without a provincial environmental license (necessary because of soil and air pollutants emitted) and was therefore in violation of a municipal zoning by-law. Zoning is a way of regulating the space and time of some activity in the city (Valverde 2011). It is a pervasive form of regulation, but is also peculiar since the work that zoning does in the city is often invisible as well as subject to whims such as in the case of density bonusing (Valverde 2009; also see Braverman 2011). Moreover, most central districts of Winnipeg were established prior to comprehensive zoning schemes and consequently some of the older mom-and-pop scrap yards in these areas are “grandfathered”—that is to say, they operate outside of the established zoning rules because they predate the imposition of formal regulation of land use. In this way, zoning exists only notionally and only for new enterprises in these areas while long established industrial uses continue unimpeded by this form of municipal regulation. During our field work the owner of the yard that was ordered to close refused to talk to us because he feared that we would cast negative aspersions on his business. He rebuffed our request in an email stating: “I’m guessing your study is likely negative to the recycling industry.” In a follow-up phone conversation he expressed concerns that we had been out behind his property testing the soil. That was likely an environmental scientist hired by the neighbourhood association or provincial environmental officials. The legal troubles experienced by this yard demonstrate the way provincial and municipal layers of law may work together to render the metal trade out of bounds in the urban environment. We also note these laws are largely invisible until invoked to, for example, shut down a scrap metal yard until they comply



Figure 2: Official graffiti

with provincial regulations. The province has not released information on what is known about lead levels in the soil in residential areas near Winnipeg's scrap yards (Botelho-Urbanski 2019).

Another form of provincial regulation includes the Manitoba Workplace Safety and Health Act. Western Scrap Metals was fined as a result of a 2009 incident in which an employee died (Kusch 2012). Another employee had died in an accident at this yard in 2004. This is an almost invisible penalty for a workplace death. Metal processing work and the regulation of it happens behind the high walls that surround the yard, blocking the metal processing scene, muting the crushing and screeching clamour, and ostensibly keeping chemical and atmospheric pollutants somewhat contained though they leak and spew out into the neighbourhoods around them through the air and water that flows under and over these protective barriers (see Charlesworth and Lees 1999). Such flows can lead not only to contamination but also contestation over responsibility and culpability (Gidwani 2013; Gandy 2006) in the post-industrial city.

Another layer of provincial legal regulation we learned about was a micro dot crime prevention program whereby Manitoba Hydro—the provincial government operated electrical utility—would place micro-surveillance dots on highly valuable metals such as copper coils, although little information was made available to us about that and its connections to police. Dealers and collectors we spoke with had not heard about this micro dot program so it appears unlikely that metals bought and sold at most yards would have been subject to the necessary inspections to detect the presence of such high-tech surveillance technology. Nevertheless, the security protocols and policing efforts by Hydro constitute a layer of law at the provincial level even if that law was often merely symbolic in the form of warning signs posted on electrical substations alerting would-be thieves that metals in these locations had “no scrap value” (see Figure 4).

At the municipal level, an interesting feature of the licencing by-law is that applicants for certain types of licenses (e.g. escort services, body rub parlours and Business Dealing in Used Goods and Precious Metals) are required to obtain a certificate from the Record Review Board (RRB). Regulation of metal is lumped together with regulation of other practices like sex work that are hidden and marginal in the urban context. The RRB is appointed by the Winnipeg Police Service (WPS) according to the by-law: “14(1) The Chief of the Winnipeg Police Service



Figure 3: Wall around scrap metal yard

or delegate shall appoint at least three members of the Winnipeg Police Service to serve as members of a Record Review Board.” This by-law would suggest that public police are front and centre in regulation of the scrap industry and are vigilant in this regard.

Additionally, the licencing by-law also provides broad surveillance powers to police and by-law officers in relation to scrap metal dealers: “78(1) A person who holds a licence issued under this Division must allow an enforcement officer, including a member of the Winnipeg Police Service, to enter at any time the licenced business is open for business all areas of the premises for which a licence has been issued and to view a record of transaction and any goods to which this Division applies in order to ensure compliance with this By-law.” Dealers or collectors scarcely mentioned police in our interviews and we never observed any in our visits to the yards over the four month period of our fieldwork. When people drop off metal at most yards they must show photo ID, which is ostensibly connected to this metal monitoring and to anti-theft initiatives. However, our interviews with collectors revealed that by-laws did not figure front and centre in their daily routines, but may at times be invoked tangentially:

Q: Are there any regulations or by-laws that shape the way that you do scrapping?

Respondent: I have heard of guys that will start a big fire to burn the isolation off their wire. I have never done that and that’s partly because of regulations partly because you have to be a bit conscious of the environment ...that would be the only by-law that I can think of that would affect how I do things.

Another municipal form of regulation is the police-organized bait bike program. Bikes are frequently stolen in Winnipeg and it is claimed by police that the metal frames and parts are sold to scrap yards for cash or traded directly for drugs (Grabish 2018). In July of 2018, Winnipeg police began to use bikes equipped with GPS tracking devices. According to a media report, police chain these bait bikes up and furtively wait in plain clothes nearby for bike thieves to steal them (Caruk 2018) or follow the GPS. Police also placed stickers on these and other bikes



Figure 4: Signage at electrical substation

featuring the question: “Is this a bait bike?” Crime Stoppers is mentioned on the sticker although their involvement in the practice is unclear. Police claim to have made a dozen or so interventions based on this program. However, the program was limited to an area near the downtown Winnipeg Police Service headquarters. The bait bike program could be considered more of a pilot project and it is unclear if it will continue given the limited success and scope. Contrary to the idea that police provide a highly visible form of control in the city, this is yet another way that police are invisible or absent in regulating metal collection and theft in the city.

There is also a legal pluralism operating in metal collecting. Put otherwise, there are multiple, overlapping legal systems (Merry 1988) that intersect in regulation of metal collection. Legal pluralism reveals that state law or federal law cannot ever be assumed to be the sole or primary form of law in any sphere, especially not in the urban sphere (Kleinhans & Macdonald 1997). Which law manifests itself for a collector or a scrap yard is contingent on many factors (location in city, neighbours, clients) and difficult to predict. Perhaps the most interesting form of law, and perhaps the most frequently used form of law in scrap collecting, is what we refer to as the law of the lane. By this we mean the ways that scrap collectors govern their own conduct and how disputes are settled in alleys, lanes, yards, and other overlooked urban areas. For Kleinhans and Macdonald (1997) legal pluralism makes no distinction between legal and normative regulation since the effect is often similar in the sphere of practice. Something like the law of the lane, then, is normative regulation that very much resembles a sort of living law and is one of several forms of regulation of metal collecting conduct. As Savio (2017) notes, dumpster divers develop implicit or tacit approaches to navigating notions of property and norms in back alleys and other abject places (see also Ferrell 2006). The law of the lane is a legal consciousness that shapes what metal collectors feel is right and wrong and conditions whether they collect or not in any situation in which they find themselves.

Respondent: ... there was a couple bike frames down that way. There sitting outside a bin. I looked at them there was nobody around and they were just sitting outside the garbage bin. ... So we go down to the thrift store and we come back, sure enough there is a guy there that just has his door open. I say “is these yours” and he goes “yeah these are my bike frames.” I said “They were sitting outside the bin. I could have took them.”

Respondent: And he said “thank you for not taking them”. So ... we lost about \$10 there but that’s okay because it’s better that I have that instinct. I had the instinct, my instincts tell me no, no, no. You get that feeling when it’s a no go.

When asked about taking items from private property, one scrapper reasoned that items left outside near the back alley were fair game, even if there was a possibility that the homeowner was merely storing the items for later use. In such cases, scrappers must wrestle with the ethics of removing items that may not be discarded. However, the law of lane can blur the lines between the public and private spaces adjacent to the alley.

Respondent: I guess maybe somebody was just throwing away it right? You know what I mean... like maybe they’re just saving it for like a rainy day or something like that you know what I mean? Well that’s... that’s my mindset right? So... like why would they—why would they leave it out there right?

In another example of the law of lane, a full time collector described the circumstances in which he would take metal items from private residential property. He claimed to have a “rule of thumb: always knock and ask.” However, he later admitted that this “rule” was contextual and negotiable depending on whom he was with. The law of lane might be neutralized or modified under encouragement or coaxing by co-collectors: “They talk me into it, say it’s okay, looks like junk anyway.” Additionally, the law of lane seemed to apply differently when removing metal items from commercial properties rather than residential properties. The same collector described in intricate detail an early morning routine of secretly defeating locked dumpsters behind an auto parts store that could be counted on to contain a bounty of discarded metal items. Rather than seeing this as a type of theft or crime, the collector maintained that it was simply a good source of metal, and one that he wanted to keep secret so other collectors would not locate it.

There is an ethics of taking in these scenarios, which perhaps is produced in context as people try to navigate geographies of survival and exercise their right to the city (Mitchell and Heynen 2009). This is part of what Stickle (2017) refers to as the scrapper’s code which deters theft among scrappers who feel they are a part of a community or group of people with something in common. However, we would suggest this code is not set or prefigured. Consistent with the focus on contingency in literature about living law (Webber 2009), the law of the lane is negotiated and in flux. One explanation for this flexible, organic form of regulation could be the variability in what is viewed as valuable in back lanes, similar to the fluctuating value of what is found in landfills (Reno 2009). There is so much refuse generated by the urban condition at so many locations that a more pliable, community-based form of governance is required to regulate practices of leaving and taking. It cannot be externalized as so much of social control is today in other urban scenes.

Some collectors related stories of rough justice they might be forced to mete out when confronted by theft of metal from their own stockpiles. In contrast to the flexible and negotiated character of lane law governing their own taking of metal from private property, a few collectors described a more rigid form of informal retribution for scrappers who take without asking. Rough music or charivari is a type of justice that becomes law-like to the extent it provides an unflinching form of punishment to those who break community norms. Rough music or charivari is certainly a form of mobile, living law (Thompson 1992), although the law of the lane does not seem to be as group-oriented as the justice meted out by rough music or charivari. A 53-year-old part time collector described this sort of harsh and retributive justice:

Respondent: You know something, and quite honestly I’m a law abiding citizen, I pay my taxes, and if I find somebody on my private property stealing my shit? And I’ve never caught the guy, but there’s been a couple of guys there.

I’d beat them with a baseball bat... so yeah, you do that, you pays your prices.

Whether this particular instance could be referred to as living law depends on the extent to which it is a generally held notion that mitigates conflict or violation of community norms (Webber 2006). Such an informal code might be directly at odds with codified law, hence the idea of legal pluralism. Lane law adds to the sense of legal plurality in the

city but is not codified. Instead, it is sensed and negotiated by metal collectors. The alleys and lanes are a negotiated order but one based on the tacit knowledge and legal consciousness of those working and living in these city spaces.

In addition to the law of the lane that structures and regulates the activities of collectors, the scrap yard owners and managers that we spoke with also described an informal regulatory order at their businesses. Surprisingly, the informal order at the yards detailed by our participants emphasized respect, cooperation and informal sanctions rather than formal legal process. Similar to the ethics of taking described by collectors, one of the mom and pop yard managers we spoke to described an ethics of buying and selling at their yard. While acknowledging the abject and stigmatized position of the many collectors who scrounge the city lanes and streets for valuable refuse, this manager insisted on acknowledging and affirming the humanity and dignity of the disparate people encountered at the business. It was important to this manager to treat all customers with respect regardless of their appearance or circumstances. In part, this was because this particular business was more heavily dependent on the “door trade” rather than large contracts with businesses or utilities.

Respondent: So, be nice to them, give them free drinks, know them by name, have a little chit chat, find out how they're doing...offer advice if it's asked for...and the word gets out, so that's how we've got the door trade.

The manager described an important and symbiotic relationship with their diverse customers. However, if a customer was unruly and abusive or if they attempted to steal from the yard or cheat the scale they were prohibited from doing business—a heavy informal sanction for collectors who must sell their collected items several times per day to eek out a living: “No monkey business. You don't jump the cue, you don't treat the staff disrespectfully or yell at them, you don't yell at other customers, or you can't come here.”

A poignant example of the informal code enforced by local yard operators involved incidents where customers used abusive anti-Semitic tropes and slurs. Such acts of disrespect were deemed worse than theft by the manager and subject to informal sanction:

Respondent: We're not cheats, we're not thieves, and you don't get to call a Jewish person who owns a business a pejorative term. So we don't need the business that badly that you get to disrespect us. I've never spoken to you disrespectfully you have absolutely no right to do that. Sorry we will not be doing business with you.

Far from being rigid and unyielding, the informal code of respect enforced by the yard manager was subject to context and some creative application. For example, if someone the manager believed ought to have known better used the slur, the penalty was banishment from carrying on business at the yard. However, if the manager determined that the slur was used in ignorance due to the cultural background of the individual, the penalty might instead be a lecture and a brief history lesson:

Respondent: Hutterites¹ would use the term and not realize. They're ignorant. Right? They're not aware—they're not in society enough... and then we have a little chat... and they get very embarrassed—I say, “Please don't do it again or you're not welcome here.”

For this yard owner, the informal code of ethics governing conduct at the point of interaction between buyers and sellers emphasized mutual respect above business considerations. This code extended beyond interactions with customers to wider relations within the industry.

Given the presence of several multigenerational family-run scrap yards in Winnipeg, we assumed there would be some level of mutual respect and cooperation among these businesses. Indeed, one yard manager described cooperative relations among both family and corporate run operations. However, this manager also described conflict between a few yards run by a younger generation of businesspeople with a different set of guiding principles. One operation was singled out for scorn because of their practice of undercutting the prices of other yards to capture a greater share of a relatively small local market.

Respondent: We don't do any business at all with X because they're responsible for the state of margins in

town. We will not help them. Even if we had a chance to make money doing it... They were exceedingly disrespectful towards my father.

For this manager, respect among scrap yards and between buyers and sellers was perhaps the most important consideration and shaped their interactions with customers and other businesses even to the potential detriment of profits. This was a noteworthy finding and one that helps to explain the relative invisibility of formal law in the lives of scrappers and dealers. That yards regulated their interactions with the public in a predominantly informal way aligns with the more general ethos of legal pluralism in the scrapping culture embodied in the law of the lane.

These laws and norms do not emanate from the same places and do not cover the same jurisdictions. Yet collectively they operate together to enable and constrain metal collecting and processing practices. Zoning and other local laws in particular regulate nuisance and risky businesses as well as the practices connected to them (Valverde 2011). However, the spatial governance that they enact operates to contain metal collection and processing to parts of the city, especially those in working class or poor neighbourhoods that may be considered undesirable by many city residents. Perhaps this is why metal collecting and processing is so little known despite its prevalence in the city. While we began to see examples of metal collecting everywhere we looked during our months of fieldwork in the inner city, these activities were temporally and spatially restricted rendering them out of sight for most suburban dwelling city residents of Winnipeg.

Discussion and conclusion

Metal collecting is a prevalent activity in the post-industrial city, but it is not highly visible in the everyday lives of most urban dwellers. Most people probably pay no mind to the pounds and pounds of metal they discard in the trash each year, and indeed our world has been characterized as comprised of societies of waste (O'Brien 2012; Cooper 2010; Strasser 1999). Metal collectors see value in these discarded or abandoned items, so much so that they organize their days and weeks around elaborate urban routines designed to seek out and obtain metal of all sorts. Metal collectors work hard to locate these materials and to get them onto the scale at the yard. Scrap metal yards are bustling places of work and commerce that play a central role in linking the local and global economy.

In this paper, we contribute to urban studies by examining a little-scrutinized form of economic and cultural activity. We found that scrap metal collecting is pervasive, yet there is considerable variation in the urban population involved. We also contribute to socio-legal studies by examining the layers of legal and normative regulation involved in scrap metal collecting. We found that there is no single source of scrap metal regulation. Various forms of federal, provincial, municipal laws intersect with a more granular form of living law in the lanes and scrap yards where so much of this activity plays out on a daily basis. The urban policing of scrap metal in Winnipeg is underdeveloped compared to other locations where police have undertaken specific projects to hinder scrap metal theft (see Ashby et al. 2017; Mares and Blackburn 2017).

Like the kinds of scrounging that Brisman (2010) and Ferrell (2006) have examined in the United States, metal collecting intersects with law in many ways. However, in Winnipeg it is not criminal law that is the most central form, and it is not police who are the main regulators. Collecting metal from dumpsters or recycling bins is not criminalized as it is in other jurisdictions. Instead, there is a legal pluralism (Griffith 1986) evident in metal collecting in our case study that shows just how complex law and metal collecting are as phenomena. The people we talked to also described *an ethics of taking*, a pragmatic approach to pinching bikes and appliances that dot the city landscape seemingly left behind, destined for the dump. We have referred to this as a law of the lane or a living law, which is as integral to the regulation of this phenomenon as any other local or provincial law. We have drawn from literature on legal pluralism and living law to help us make sense of urban regulation of metal collecting in the post-industrial city. The law of the lane intersects with an informal code of buying and selling that structures the symbiotic relations between scrap metal dealers and customers, as well as among the yards themselves. In tandem, these kinds of informal regulation operate to keep the activity orderly and also invisible. So while to the untrained observer, scrap yards might appear to be haphazard sites of chaos and disorder, our research has revealed a type of informal order that plays out in the countless micro-level transactions between the players who make their living in the detritus of the city. Perhaps it is the volume of metal flowing to the scrap yards and the speed at which it flows impeding public police from turning their attention to this industry. In a matter of hours, a bike frame could go from an alley by University of Winnipeg to a scrap yard, into a shredder, then a storage container, onto a train, to a steel mill down the track, transformed into a pipe for an oil pipeline in the USA, then buried and made invisible like so much of the work and the stuff that

makes up this dicey, unseen network of juddering activity, involving so many but viewed and understood by so few.

Notes

¹ The Hutterites are a communal faith-based sect similar to the Amish and Mennonites.

References

- Ackerman, F., and S. Mirza. 2001. Waste in the Inner City: Asset or assault? *Local Environment* 6(2): 113–120.
- Ashby, B., B. Kolak, C. Prokopas, and K. Whiteacre. 2012. Ruin porn, documentary, and metal theft: An interview with the co-directors of *Scrappers*. *Crime, Media, Culture* 8(3): 355–369.
- Ashby, M., K. Bowers, H. Borrion, and T. Fujiyama. 2017. The when and where of an emerging crime type: The example of metal theft from the railway network of Great Britain. *Security Journal* 30(1): 1–23.
- Ashby, M., and K. Bowers. 2015. Concentrations of railway metal theft and the locations of scrap-metal dealers. *Applied Geography* 63: 283–291.
- Barnard, A. 2011. 'Waving the banana' at capitalism: Political theater and social movement strategy among New York's 'Freegan' dumpster divers. *Ethnography* 12(4): 419–444.
- Bellamy, B. 2017. Give Union Bank Tower the Crown. *Winnipeg Free Press*, Jan. 1, 2017. Retrieved Feb 19, 2019 from: <https://www.winnipegfreepress.com/opinion/analysis/give-union-bank-tower-the-crown-412117493.html>.
- Bennett, L. 2008. Assets under attack: Metal theft, the built environment and the dark side of the global recycling market. *Environmental Law and Management* 20: 176–183.
- Benton, L. 1994. Beyond legal pluralism: Towards a new approach to law in the informal sector. *Social & Legal Studies* 3(2): 223–242.
- Blomley, N. 1997. Property, pluralism and the gentrification frontier. *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société* 12(2): 187–218.
- Botelho-Urbanski, J. 2019. After latest review on lead in soil, Province plans further study. *Winnipeg Free Press*, March 18.
- Braverman, I. 2011. Hidden in plain view: Legal geography from a visual perspective. *Law, Culture and the Humanities* 7(2): 173–186.
- Brisman, A. 2010. The indiscriminate criminalisation of environmentally beneficial activities. In Rob White, ed., *Global environmental harm: Criminological perspectives*. Cullompton: Willan. pp. 161–192.
- Brisman, A., and South, N. 2014. *Green Cultural Criminology: Constructions of Environmental Harm, Consumerism, and Resistance to Ecocide*. London: Routledge.
- Carr, J. 2010. Legal geographies—skating around the edges of the law: Urban skateboarding and the role of law in determining young peoples' place in the city. *Urban Geography* 31(7): 988–1003.
- Caruk, H. 2018. 'Did I steal a bait bike?' Winnipeg Police use ruse to nab bike thieves. CBC Winnipeg News, September 24.
- Charlesworth, S. M., and J. A. Lees. 1999. The distribution of heavy metals in deposited urban dusts and sediments, Coventry, England. *Environmental Geochemistry and Health* 21(2): 97–115.
- Chohaney, M., C. Yeager, J. Gatrell, and D. Nemeth. 2016. Poverty, sustainability, and metal recycling: Geovisualizing the case of scrapping as a sustainable urban industry in Detroit. In *Urban Sustainability: Policy and Praxis*. Amsterdam: Springer. pp. 99–133.
- Cooper, T. 2010. Recycling modernity: Waste and environmental history. *History Compass* 8(9): 1114–1125.
- deGraft-Yankson, P., Donkor, E. K., and Amisshah, E. R. K. 2017. Managing the scrap metal situation in the Sekondi-Takoradi Municipality: The artist's take. *Journal of Literature and Art Studies* 7(7). doi: 10.17265/2159-5836/2017.07.000
- Douglas, M. 1994. *Risk and blame: Essays in cultural theory*. London: Routledge.
- Eddison-Cogan, K. 2018. Ethnographic encounters with transforming waste: Reflections on the Garage Sale Trail in Sydney, Australia. *Etnografia e ricerca qualitativa* 11(1): 33–48.
- Ferrell, J. 2014. Scrounging and reclaiming. In Parker, M., George Cheney, Valérie Fournier, Chris Land (eds). *The Routledge Companion to Alternative Organization*. London: Routledge. pp. 220–235.

- Ferrell, J. 2006. *Empire of scrounge: Inside the urban underground of dumpster diving, trash picking, and street scavenging*. New York: NYU Press.
- Fitzpatrick, P. 2017. *Foucault and Law*. London: Routledge.
- Flood, J. 2002. Socio-legal ethnography in theory and method in socio-legal research. Banakar, Reza and Max Travers (eds), *Theory and Method in Socio-Legal Research*, Oxford: Hart Publishing, pp. 560–63.
- Gandy, M. 2006. Zones of indistinction: Bio-political contestations in the urban arena. *Cultural Geographies* 13(4): 497–516.
- Gidwani, V. 2013. Six theses on waste, value, and commons. *Social & Cultural Geography* 14(7): 773–783.
- Grabish, A. 2018. Chop shops buying stolen bikes for \$3–\$10 – or trading them for meth. *CBC Winnipeg News*, July 10.
- Griffiths, J. 1986. What is legal pluralism? *The Journal of Legal Pluralism and Unofficial Law* 18(24): 1–55.
- Hermer, J., and A. Hunt. 1996. Official graffiti of the everyday. *Law & Society Review* 30(3): 455–480.
- Hunt, A. 1993. *Explorations in law and society: Towards a constitutive theory of law*. New York: Routledge.
- Keele, J. 2018. “Hydro pole in Point Douglas believed to be cut down for theft of copper” *CTV News Winnipeg*, April 18.
- Kleinhans, M., and R. Macdonald. 1997. What is a critical legal pluralism? *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société* 12(2): 25–46.
- Kusch, L. 2012. Western Scrap Metals, Nat-All fined for workplace safety issues. *Winnipeg Free Press*, December 21.
- Lippert, R. K. 2014. Neo-liberalism, police, and the governance of little urban things. *Foucault Studies* 18: 49–65.
- Lippert, R., and K. Walby. 2019. *A criminology of policing and security frontiers*. Bristol: Bristol University Press.
- Loughran, K. 2014. Parks for profit: The high line, growth machines, and the uneven development of urban public spaces. *City and Community* 13(1): 49–68.
- MacDonald, N.. 2015. Welcome to Winnipeg: Where Canada’s racism problem is at its worst. *Macleans*, Jan 22, 2015. Retrieved Oct. 5, 2018 from: <https://www.macleans.ca/news/canada/welcome-to-winnipeg-where-canadas-racism-problem-is-at-its-worst/>.
- Mares, D., and E. Blackburn. 2017. Reducing metal thefts through the use of local ordinances: An evaluation of an impromptu market reduction approach in St. Louis, MO. *Security Journal* 30(2): 487–503.
- Marx, C., and E. Kelling. 2019. Knowing urban informalities. *Urban Studies* 56(3): 494–509.
- Melissaris, E. 2016. *Ubiquitous law: Legal theory and the space for legal pluralism*. London: Routledge.
- Melosi, M. V. 2005. *Garbage in the cities: Refuse, reform, and the environment*. Pittsburgh: University of Pittsburgh Press.
- Merry, S. E. 1988. Legal pluralism. *Law & Society Review* 22(5): 869–896.
- Millar, K. 2014. The precarious present: Wageless labor and disrupted life in Rio de Janeiro, Brazil. *Cultural Anthropology* 29(1): 32–53.
- Mitchell, D., and N. Heynen. 2009. The geography of survival and the right to the city: Speculations on surveillance, legal innovation, and the criminalization of intervention. *Urban Geography* 30(6): 611–632.
- Monahan, T. 2017. Regulating belonging: Surveillance, inequality, and the cultural production of abjection. *Journal of Cultural Economy* 10(2): 191–206.
- Müller, T. 2012. The Empire of Scrounge meets the Warm City: Danger, civility, cooperation and community among strangers in the urban public world. *Critical Criminology* 20(4): 447–461.
- Nelken, D. 1984. Law in action or living law? Back to the beginning in sociology of law. *Legal Studies* 4(2): 157–174.
- O’Brien, M. 2012. *A crisis of waste? Understanding the rubbish society*. London: Routledge.
- Perez, T. S. 2019. In support of situated ethics: Ways of building trust with stigmatised ‘Waste Pickers’ in Cape Town. *Qualitative Research* 19(2): 148–163.
- Posick, C., M. Rocque, K. Whiteacre, and D. Mazeika. 2012. Examining metal theft in context: An opportunity theory approach. *Justice Research and Policy* 14(2): 79–102.
- Reno, J. 2009. Your trash is someone’s treasure: The politics of value at a Michigan landfill. *Journal of Material Culture* 14(1): 29–46.
- Robb, P., T. Coupe, and B. Ariel. 2015. ‘Solvability’ and detection of metal theft on railway property. *European Journal on Criminal Policy and Research* 21(4): 463–484.
- Robinson, D. F., and N. Graham. 2018. Legal pluralisms, justice and spatial conflicts: New directions in legal geography. *The Geographical Journal* 184(1): 3–7.

- Samson, M. 2009. *Refusing to be cast aside: waste pickers organising around the world*. Women in Informal Employment: Globalizing and Organizing (WIEGO).
- Sanscartier, M., and J. Gacek. 2016. Out, damned spot: Socio-economic hygienic practices of business improvement districts. *Canadian Journal of Urban Research* 25(2): 73–85.
- Savio, G. 2017. Organization and stigma management: A comparative study of dumpster divers in New York. *Sociological Perspectives* 60(2): 416–430.
- Scheinberg, A., and J. Anschutz. 2006. Slim pickin's: Supporting waste pickers in the ecological modernization of urban waste management systems. *International Journal of Technology Management & Sustainable Development* 5(3): 257–270.
- Shields, R. 2004. Visualicity: On urban visibility and invisibility. *Visual Culture in Britain* 15(1): 23–36.
- Sidebottom, A., J. Belur, K. Bowers, L. Tompson, and S. D. Johnson. 2011. Theft in price-volatile markets: On the relationship between copper price and copper theft. *Journal of Research in Crime and Delinquency* 48(3): 396–418.
- Silver, J., and O. Toews. 2009. Combating poverty in Winnipeg's Inner City, 1960s-1990s: Thirty years of hard-earned lessons. *Canadian Journal of Urban Research* 18(1): 98–122.
- Stickle, B. 2017. *Metal Scrappers and Thieves: Scavenging for Survival and Profit*. Basingstoke, United Kingdom: Palgrave Macmillan.
- Strasser, S. 1999. *Waste and Want: A Social History of Trash*. London: Macmillan.
- Tamanaha, B. Z. 1993. The folly of the 'Social Scientific' concept of legal pluralism. *Journal of Law and Society* 20(2): 192–217.
- Terkel, S. 2011a. *Working: People Talk about What they do All Day and How they Feel about What They Do*. New York: The New Press.
- Terkel, S. 2011b. *Hard Times: An Oral History of the Great Depression*. New York: The New Press.
- Thompson, E. P. 1992. Rough music reconsidered. *Folklore* 103(1): 3–26.
- Valverde, M. 2011. Seeing like a city: The dialectic of modern and premodern ways of seeing in urban governance. *Law & Society Review* 45(2): 277–312.
- Valverde, M. 2009. Laws of the street. *City & Society* 21(2): 163–181.
- Valverde, M. 2008. The ethic of diversity: Local law and the negotiation of urban norms. *Law & Social Inquiry* 33(4): 895–923.
- Walby, K. 2007. Contributions to a post-sovereignist understanding of law: Foucault, law as governance, and legal pluralism. *Social & Legal Studies* 16(3): 551–571.
- Webber, J. 2009. Naturalism and agency in the living law. In Marc Hertogh, ed., *Living law: Reconsidering Eugen Ehrlich*. Oxford: Hart Publishing. pp. 201–221.
- Whiteacre, K., D. Terheide, and B. Biggs. 2015. Metal theft and repeat victimization. *Crime Prevention and Community Safety* 17(3): 139–155.
- Zimring, C. 2005. *Cash for your trash: Scrap recycling in America*. New Brunswick, New Jersey: Rutgers University Press.
- Zukin, S. 1987. Gentrification: Culture and capital in the urban core. *Annual Review of Sociology* 13(1): 129–147.