

Urban Violence and the Chinese State in the Post-Mao Reform¹

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01. This article is in part based on Shao 2013.

02. <http://www.economist.com/news/china/21575767-official-figures-showing-sharp-drop-chinas-murder-rate-are-misleading-murder-mysteries>, accessed June 30, 2014.

03. Lipman et al., 1990.

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Demolition site of an informally built 'urban village' in Guangzhou, China.
Photo:
Kosta Mathéy

For casual as well as learned observers of contemporary Chinese society, it is clear that despite the rapid urbanization, Chinese cities are still relative safe places to live compared to some crime-ridden communities in other parts of the world. According to a recent report, murder rate has been dropping in China since 2002.² On the other hand, reports on seemingly random violent incidents are on the rise, from students committing murder on college campus to attacks in train stations, suicides at airports and other public spaces, and mass protesters turning to angry mobs. What has not gained enough attention is the often localized but pervasive violence in urban communities and neighborhoods generated from the economic reform and state policy. This paper focuses on urban demolition and relocation, a process that has been at the heart of China's neck breaking development and that has produced the localized urban conflict and violence. The paper points to the Chinese state as a source of this increased urban violence and explores the various strategies local communities have employed to deal with and prevent such violence.

Since its brutal crackdown of the 1989 Tiananmen Square student demonstration, the Chinese state has not been identified as a force that activates violence against its people. In 1990, on the eve of the large and rapid urban development in China, Jonathan N. Lipman and Stevan Harrell edited a volume on *Violence in China: Essays in Culture and Counterculture*.³ This book looks at religious, ethnic, communal, historical, rural, and urban conflict and violence and explores the motivation and cultural dimension of such violence. It mentions little of state sponsored or economic development induced violence. But the Chinese state has a history of taking violent actions against its own people and creating a violent culture from which the Chinese people suffer. In 1991, the Princeton political scientist Lynn White III published *Policies of Chaos: The Organizational Causes of Violence in China's Cultural Revolution*. White

suggests that the widespread violence unleashed in the Cultural Revolution was structurally embedded in the Chinese Communist system and policy that legitimated violence.

White's approach is instrumental in understanding the violence against urban communities in the post-Mao reform. As has been reported, violent incidents have been taking place in urban demolition and relocation, a key step in China's housing reform and urbanization process. Such violence is mostly carried out through domicide, the "murder of the home," against the owners' will. It is also perpetrated against residents in the form of physical abuse, beating, black jail, arson, imprisonment, murder, and suicide as they resist demolition and relocation on the government's terms. What was least recognized is that those violent incidents of forced demolition were not just random occurrences, but a systematic pattern sanctioned by the Chinese state in its policy governing urban development.

A resident was dragged out of his home (June 2004).



An examination of the evolving state policy on urban development proves the point. In 1991, on the eve of large scale urban renewal in China, the State Council issued "Regulations on Urban Housing Demolition and Relocation," the first systematic guideline for demolition and relocation in urban China. The priority at that time was to improve residential housing through urban renewal and, accordingly, the purpose of the 1991 Regulations was to "ensure the smooth undertaking of urban development."⁴ A decade later, in 2001, in the height of commercial real estate development, the State Council revised the 1991 Regulations and issued Document 305 as the new overall guideline. Its stated purpose, not surprisingly, was to meet "the demands of the market economy" and to "ensure the smooth undertaking of construction projects." This reflects a narrower, pro-growth and business approach compared with the 1991 Regulations and is responsible for the increased violence in urban development.

04. <http://house.focus.cn/ews/1991-06-01/4326.html>, accessed 26 August 2012.

The 1991 Regulations explicitly required a “written contract” between the demolisher and the resident about a compensation and settlement plan before demolition could start. Document 305 omitted the crucial word “written,” which created loopholes for some developers and officials to use vague, oral, and casual exchanges as the bases for settlements, imposing them on residents that often led to violence against residents who in turn resisted violently.

Additionally, Document 305 expanded on some of the punitive measures against residents included in the 1991 Regulations and thus further strengthened the government’s power. For instance, item 15 of the 1991 document stated that local government could force residents out if they refused to relocate “without justifiable reasons.” Yet item 17 of Document 305 simply allowed the authorities to evict such residents, regardless of whether or not they had valid reasons to stay. More specifically, Document 305 stipulated that in cases where residents disagreed with the demolisher on a settlement, relevant authorities could make an administrative ruling on demolition. If the residents objected to that ruling, they could, within three months, appeal their cases in court. But during the three-month period, the government could implement the demolition, by force if necessary. Document 305 failed to address the obvious absurdity of this ruling, which completely ignored the question of if—granted a big if, since it hardly ever happens—the court did, in fact, rule in favor of the resident by granting his or her appeal, what would be the point if the house had already been destroyed? Clearly, Document 305 legitimized the use of force, which opened the floodgates to domicile. It is in this sense that the Chinese party state is responsible for the violent nature of urban development in China.

As Beijing called the tune, provincial and municipal governments followed suit. Some of the documents on demolition and relocation issued by the Shanghai government in the 1990s emphasize the importance of a signed agreement between the parties involved before any action is taken. Yet immediately after Document 305 was issued, the Shanghai government announced Document 111, titled “Detailed Regulations on Shanghai City Housing Demolition and Relocation Management,” which fully reflects the same hardline approach toward residents. Furthermore, while previous documents set a limit on the number of applications for administrative compulsory ruling on demolition at 5 percent of all households involved in any given two-year period, Document 111 had no such limit. As a principal guideline for future demolition and relocation in Shanghai, it took a step backward from protecting residents’ interests.

With the liberty to use force, the local government hired demolition squads to beat up resident protesters, vandalize their property, cut off their utilities, drag them out of their homes, and set their houses on fire to force them out—all of this led to more violence and more cases of domicile. In August 2005, a demolition squad in Shanghai committed arson that claimed the lives of a couple in their seventies. A subsequent investigation revealed that the demolition squad had already committed arson five times in this neighborhood since 2004, when it was slated for

demolition. But the district government did nothing to stop it until the loss of the two lives caused public outrage.⁵

For seven years from 2004-2011 I conducted field research in Shanghai and studied various cases elsewhere about the impact of the Chinese state's housing policy on urban demolition and relocation. I came across many cases concerning both neighborhoods and individual families who faced or suffered forced demolition. I detailed six such cases in my book, *Shanghai Gone: Domicide and Defiance in a Chinese Megacity*. In almost every cases, violence or the threat of it, was involved, all because the government and developers used Document 305 to relentlessly push residents out, with violent means if necessary.

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Fazhi ribao (Legal Daily), August 25, 2005.

Officials closed the gate of a neighborhood to evict a family and hired demolition squad who carried an iron stick to intimidate residents (June 2004)



In June 2004, I was on a site in a downtown Shanghai neighborhood where the district government demolition squad spent five hours evicting a family from an apartment. The members of a hired squad carried iron sticks walking around among the neighbors who gathered to support the family under siege. They broke into the apartment and carried the belongings of the family to two trucks, and then pulled the family out of their apartment. This was after almost a two-year struggle between the residents and the district government over the demolition of this neighborhood. The process resulted several incidents of violent clash, in which a number of residents were beaten and hurt. In another case in Shanghai, the district demolition squad broke into a privately-owned home, went straight upstairs to the bedroom, wrapped an 80-years old woman and her daughter in blanket and tied their hands, and dragged them from the third floor to a van, and then knocked down their home. The district locked the old woman and her daughter in a basement where the old woman swallowed her gold ring in an attempt to commit suicide. While her life was saved, she was so traumatized by the violence that she lost sight in her left eye overnight and was hospitalized for a week.⁶

At the height of urban development in China, such violence was routine rather than exception. Violence and the threat of it not only instilled fear

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These and the other cases mentioned below are detailed in Shao (2013).

in the individuals affected by the process, but also terrorized the entire neighborhood. Since negotiation for an acceptable settlement and resistance to government forced demolition could take years even a decade to reach a conclusion, some neighborhoods and families had to live in the shadow of violence for a prolonged period. Some of them were arrested and beaten periodically. Violence became part of their lives. Furthermore, the government's use of Document 305 in carrying out domicile legitimated violence and created a violent culture against urban residents. In this sense, the violence in post-Mao economic development, just like that in the Cultural Revolution, was a product of the Chinese state policy.

Many residents in China condemned Documents 305 as "evil law" and petitioned for years to have it rescinded. Finally, in January 2011, after a decade-long trail of violence, the Chinese State Council issued Document 590 to replace Document 305. The new Document eliminated some of the most oppressive and punitive measures against residents.⁷ But the damage was done. The violent culture and the legitimacy of violence created by Document 305 continue to affect the practice of urban development. Incidents of violent demolition and relocation still takes place in urban China today.

In dealing with and preventing this kind of violence that was directly resulted from the policy of the Chinese state, urban communities in China faced unique challenge. For violence generated in society, be it murder, homicide, gangsters, gun violence, riots, and community feuds, the state and its security and legal apparatus, including the police, the court, and public security force, are powerful allies that can assist local communities in their response and prevention measures.

But in China, since the violence in demolition and relocation was sanctioned by the state which has absolute control over its legal and security apparatus, those suffer from such violence lost the protection of the government and the law. The dominance of the Chinese Communist Party state weakens the rule of law and judiciary independence. The police were often on site of domicile to protect the authorities and deter, and attack if necessary, the residents if they resisted. Very few residents who were forcibly evicted got a fair hearing in court and recovered their property. Some of them have been struggling for justice for decades. Even those who documented their injuries in the hands of demolition squad and sometimes the police, with photographs, video recordings, eye witness reports, and doctor and hospital diagnosis, were turned away by the court and government petition offices that were supposed to hold justice for them. In short, the police and the court are on the government side. They are part of the state force that allowed the violence to develop in urban demolition and relocation in the first place.

Despite the difficulty, urban communities in China did not just roll over and play dead. In-stead, they have tried to prevent such violence and protect themselves. Unlike street violence, one characteristic of violent demolition and relocation is its predicability. Often a neighborhood would learn about its fate and government-decided compensation package shortly after the local government targeted it for demolition. The compensation package was usually below the market price of their homes,

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http://www.gov.cn/zw-gk/2011-01/21/content_1790111.htm, accessed 21 August 2012.

a primary source of tension and conflict between the residents and the government and developers. Residents understood if they rejected the compensation package or if they failed to negotiate a better package and refused to relocate, they were likely to suffer from domicile and other violent attack. Many residents would prepare themselves for an active and sometimes prolonged negotiation with the local government for the best deal they could achieve.

Residents organized a legal study forum and met regularly to study the law and regulations as part of their resistance to forced demolition (June 2004).

In the meantime, they also tried to deter the government from using force. One of the keys is for the residents to study the relevant law, regulations, and policies to gain sufficient knowledge and information that would protect themselves. In fact, it was most common for residents to use legal defense to prevent them from becoming the victims of violent demolition and relocation. Despite or perhaps because of the weakness in the law, residents often try to identify loopholes in official and legal documents and used them to their advantage. For instance, while Document 305 openly permitted the use of force in demolition and relocation, regardless the nature of the property, the 2007 Chinese Property Law gave protection to private property rights. Property owners often highlighted this inconsistency to argue that since their property was privately owned, Document 305 didn't apply to their cases, and forced eviction would be illegal. With this strategy, some residents were able to delay the demolition of their homes, gain a better compensation package, and avoid domicile. This process, though, could be long and stressful. In one case, it took the family more than a decade that was marked by setbacks and the threat of violence to negotiate a deal for their relocation. The family finally moved out on their own terms; they escaped domicile.

Residents also manipulate Maoist cultural remains and the Communist Party's own political symbols to both resist unjust demolition and protect themselves from state sanctioned violence. One common sight in neighborhoods under siege in many urban areas is a red banner, the CCP's national flag. Residents put it on their property to forestall forced demolition. One resident told me that it would make the officials antirevolutionaries if they dare to demolish his home with the red flag flying on it. Residents also sing *The Internationale* and other revolutionary songs from the Mao era to vent their anger toward the authorities and avoid attacks. Such a strategy is more effective in attracting media and public attention and delaying domicile, but not necessarily avoiding it altogether.

The purposeful use of open, public space was another way for urban residents to deter and prevent government violence. An open and public space, unlike a small, isolated alleyway, is under the watchful eye of the public. The public will judge. Both the residents and authorities explicitly understand the implication of such a space. It is therefore not surprising that in urban demolition and relocation, spatial politics plays a major role, with residents want to keep their neighborhood open and government attempts to isolate it. One such case I studied involves a neighborhood of a few thousands of families in downtown Shanghai, just one block

off the commercial center of Nanjing Road West. In the summer of 2004, a few hundreds of families still remained. They lived in debris since the government had demolished the homes of those who had moved out. This partially demolished large piece of neighborhood in downtown Shanghai was an eye sore and an embarrassment to the district government. The government's use of force was inevitable to move out the remaining "nail



Residents flew the red flag and came out to support one of their neighbors who was being evicted (June 2004).

households"—those tough-minded residents who refused to relocate. But the neighborhood was completely exposed to the busy streets in downtown Shanghai and any violent actions against the residents would invite media and public scrutiny. The government thus decided to erect a tall wall to isolate this neighborhood from the public view. But the residents fought against it. Initially, they organized day and night watches to prevent government-hired workers from building the wall, and they then tried to destroy the wall at night as it was being built. This struggle led to violent clash between the residents and the workers. A number of residents suffered injury. Though in the end the government did build the wall and clear out the remaining families, the residents, in part because of their open location, were able to delay the inevitable for more than a year. During that time the Shanghai real estate market went up which enabled some of the families to negotiate a better compensation than what they were initially offered.

Related to the spatial issue is the use of various medium and media to document demolition and relocation, another strategy that residents had employed to check the government's violent impulse. The ready access to camera, camcorders, various recording devices, now the I-Phone and I-Pad, and the Internet has allowed the residents to document officials' abuse and post such information online to rally public support or present

such information to the court for their law-suits. Residents often openly videotape an eviction to make sure that officials know their actions are being recorded and watched so as to compel the officials to refrain from using violent means. Here spatial politics also matters. Residents in large neighborhoods with a street view and public audience are more likely to succeed in video recording and photographing demolition and relocation and deterring violence. In secluded small alleyways, authorities would confiscate and smash residents' recording devices to prevent the residents from documenting official actions. In such cases, the government is more likely to use violent means to relocate the residents. By the same token, in a large neighborhood where many residents come out and gather around their neighbor who suffers eviction, officials are less likely to use force, for fearing open confrontation with a large, angry crowd. Residents, understand their collective power in deterring government violence, often do come out to support each other in demolition and relocation.

Government sanctioned violence creates unique characteristics and challenges for urban communities to respond. In the case of China, this new round of violence took place in the name of economic development and is accepted as "creative destruction." As such, it often escapes critical attention and scrutiny. But what has happened in urban China under Document 305 and in the name of promoting economic growth is a violent disregard of dignity, property rights, and human rights. The government has also created a culture that, just like the Cultural Revolution, legitimates violence in society. As resourceful and tenacious as the Chinese urban residents have been in dealing with this violence, they are ultimately vulnerable to such authoritarian state power.

"Nail households" like this one is particularly vulnerable to government violence because they are isolated, losing the protection of their fellow residents (July 2005).



It is important to point out that China is not the only country where urbanization and economic development have generated violence against urban communities. To build stable, safe, and healthy urban communities, we must study all kinds of violence, and especially the kind sanctioned by the state, and we must recognize such violence as it is—a disruptive and threatening force to urban life. Furthermore, we should go beyond specific violent actions to study some of the root causes of urban violence. Specifically, we should study how to neutralize the destructiveness of a capitalist market economy, how to promote a more humanistic approach to economic growth, and how to limit state power in dismantling urban communities. These are some of the challenges faced by not just China, but the global community at large.

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