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The Right to the City and Critical Reflections on China's Property Rights Activism

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Abstract

Wholesale clearance and eviction that typify China's urban development have often resulted in discontents among urban residents, giving rise to what critics refer to as property rights activism. This paper is an attempt to critically revisit the existing debates on the property rights activism in China. The paper refers to the perspective of the "right to the city" to examine whose rights count in China's urban development contexts and proposes a cross-class alliance that engages both migrants and local citizens. The alliance itself will have substantial political implications, overcoming the limited level of rights awareness that mainly rests on distributional justice in China. The discussions are supported by an analysis of empirical data from the author's field research in Guangzhou, which examines how local and non-local (migrant) residents view nail-households resisting demolition and forced eviction.

Introduction

Because of their heavy focus on demolition and reconstruction, China's urban (re-)development projects often incur a large scale of displacement of residents whose discontents would, in turn, emerge and escalate out of the frustration over the violation of their perceived legitimate rights to their land and housing. The growing degree of dissatisfaction is reflected in the recent popularisation of a Chinese neologism known as "ding-zi-hu" in Chinese, which is literally translated as "nail-houses" or "nail-households". As the expression suggests, nail-householders stubbornly refuse to vacate their houses, hindering the progress of urban development projects like nails sticking out and hard to be removed (see, for example, Watts 2007).

To an extent, the term alludes to the rise of a contemporary Chinese version of practising "right to stay put" by local residents, persistently resisting unwilling eviction and demolition (Hartman 2010 [1984]; Newman and Wyly 2006). Their struggles sometimes led to fatal incidents in which protesters took on drastic measures of risking their own lives (China Daily 2010). Nail-houses provide a vivid example of urbanites' outcry in China, reflecting what critics refer to as "property rights activism" (Lee 2008). Similarly, You-tien Hsing refers to nail-houses as "the ultimate form of localized social activism" that attempts to protect local residents' properties from forceful expropriation (Hsing 2010:207).

Against this background, this paper critically examines if property rights activism can be an effective emancipatory strategy for urban inhabitants whose livelihoods are increasingly threatened by accumulation needs. The paper resorts to the empirical findings that examine how nail-houses are viewed by urban inhabitants, and if there is a potential for these urban inhabitants to form an alliance irrespective of their socio-economic characteristics. The set of empirical data for this paper was collected in Guangzhou between 2009 and 2011 (more details of the data collection to be found in the fourth section). In terms of the analytical perspective, I refer to the "right to the city" (Lefebvre 2003; Marcuse 2009) and contextualise whose rights count in China. In doing so, this paper makes several contributions to the literature as follows.

First, the paper extends the debates on the right to the city to China's urban contexts, and attempts to produce what Laurence Ma (2007) calls "local epistemologies". This requires critical knowledge to be constructed about the experience of urban inhabitants,

embedded in the existing regulatory practices and institutional settings. In particular, this paper argues that China's rights awareness currently rests largely on the rights to subsistence or economic security, without going further to claim rights against the state. Second, this paper is an attempt to respond to the urgent call to go "beyond empiricism" in studies on urban China, and to address "the critically important issues of social and environmental justice" (Ma 2007:556). While expressing "a strong sense of empathy for the feelings and experiences of the disadvantaged individuals under study" (Ma 2007:563), it is also important to build grounded knowledge about how nail-houses are received by local as well as non-local (migrant) residents. Third, this study pays attention to the implications of fitting migrants into the overall struggles against top-down impositions of urban development projects that affect their *homes*, albeit rented. The existing debates on urbanites' struggles against urban transformation tend to focus implicitly on permanent residents, that is registered local households who enjoy comparatively more privileged access to urban and social services based on "local citizenship" (Smart and Smart 2001). This paper, however, critically examines the limits of such prioritisation of permanent residents, and advocates the urgency of forming a broader alliance of urban inhabitants, including migrants.

The rest of this paper consists of five sections. The first reviews literature on the right to the city and draws implications in relation to China's urban contexts. The second section explains how nail-households have emerged in China. The third examines the empirical data that illustrate how nail-houses are viewed by local residents. By revisiting the existing literature and the empirical findings, the fourth section elaborates on the limits of property rights activism and scrutinises the awareness of rights in China. The final section concludes by elucidating the implication of advocating a cross-class alliance between local citizens and migrants.

Contextualising the right to the city: Whose rights count

Recently, a number of academics, activists and ordinary citizens have been drawn towards the perspective of the right to the city for contemplating the prospect of making progressive urban interventions. The perspective has also been increasingly borrowed by international organisations, such as the UN Habitat, for the acquisition of redistributive justice. The Lefebvrian notion of the right to the city, however, goes beyond this, and actively seeks political programmes to intervene and take control of the process of the production of urban space (Lefebvre 2003):

the *right to the city* is like a cry and a demand...The *right to the city* cannot be conceived of as a simple visiting right or as a return to traditional cities. It can only be formulated as a transformed and renewed *right to urban life* (Lefebvre 1996: 158; original emphasis)

For Henri Lefebvre, the proliferation of capitalist accumulation has resulted in an increasing level of disenfranchisement of urban inhabitants. To reverse the process, Lefebvre calls for the right to the city that involves “an urban spatial approach to political struggles with the participation of all those who inhabit the city without discrimination” (Dikeç 2001:1790). According to Mark Purcell, two essential rights are at the heart of Lefebvre’s proposition: the right to participation and appropriation (Purcell 2002). The right to participation calls for urban inhabitants to take a key role in deciding the production of urban space. On the other hand, the right to appropriation involves confrontations with the process of capital accumulation that is centred around the valorisation of urban space (Purcell 2002:101-103).

David Harvey pays more attention to the fundamental political economic contradictions in the capitalist accumulation processes. He argues that “Patterns in the circulation of surplus value are changing but they have not altered the fact that cities...are founded on the exploitation of the many by the few” (Harvey 1976:314). Hence, Harvey focuses on the process of accumulation by dispossession, which does not simply occur at the primitive stage of capitalist development, but at various stages of capitalism to supplement existing cycles of accumulation (Harvey 2008:34). With his interpretation of the contemporary urbanisation as a spatial fix to the crisis in the accumulation of capital, the right to the city is not merely about expanding inhabitants’ access to the city in quantitative terms but about being part of the process to make cities qualitatively different (Harvey 2003). The struggle to acquire the right to the city therefore inevitably centres on struggles against the capitalist accumulation.

The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization (Harvey 2008:23)

In this regard, the demand for the right to the city should be about gaining “greater democratic control over the production and utilization of the surplus” (Harvey 2008:37). Lefebvre’s right to the city is also based on autogestion, which refers to the “democratic participation, workers’ self-management, and control of ordinary peoples’ destinies” and which “must be perpetually negotiated and enacted, relentlessly practiced and

earned” (Merrifield 2006:140). The key is to “bring people together to oppose the ‘omnipotence’ of the state and multinational capital” (ibid.).

One of the challenging questions is *whose* rights count, which is at the core of Peter Marcuse’s enquiry (Marcuse 2009). Marcuse’s reinterpretation of Lefebvre understands the right to the city as involving “an exigent demand by those deprived of basic material and existing legal rights, and an aspiration for the future by those discontented with life as they see it around them, perceived as limiting their own potentials for growth and creativity” (2009:190). Here, Marcuse makes a distinction using economic and cultural terms to define whose right we need to protect and expand. Economically, the deprived are classified to include the excluded (who are part of the capitalist system but without the same level of social protections gained by the working class) and the working class itself. In cultural terms, Marcuse puts emphasis on expanding the right of the directly oppressed (in race, ethnicity and so on) and the alienated (of any factions of economic class and social groups that resist the ruling system) (Marcuse 2009). Other than these, those ruling groups who hold material interests (eg business people, gentry, capitalists, establishment intelligentsia and political elites) are thought to have already acquired the right to the city in their own terms. This point has also been echoed by David Harvey who also laments that “Increasingly, we see the right to the city falling into the hands of private or quasi-private interests” (Harvey 2008:38).

The perspective of the right to the city has been around for some time, but it is yet to be translated into fully established urban practices. It is imperative to seek strategies attuned to various urban contexts, as the forms and shapes of the struggle for the right to the city should be imagined by taking into account the local configuration of institutional regulatory structure as well as the contradictions within specific political economic systems. As Dikeç states, “approaches to, and principles of, justice are time and space specific” (2001: 1788). Therefore, any discussions about identifying the emancipatory right to the city and organising its corresponding movement should address this spatio-temporal specificity. With the need to involve marginalised urban populations and form a solidarity that encompasses conventional class-based labour movements, the right to the city movement becomes a struggle that strives to secure access not only to urban space but also to “political space” (Dikeç 2001:1790), while being sensitive to specific urban socio-political, economic and institutional contexts.

What are the implications of such discourses regarding whose rights count in China's urban contexts? At present, the fate of urban inhabitants facing (re-)development projects is heavily determined by existing sets of regulations and institutional arrangements. The access to various urban and social services in China, including compensation schemes upon displacement, is conferred upon a particular notion of "citizenship" that has been redefined in the process of the country's economic transition: that is to say, citizenship in China is rendered as a right to socio-economic benefits rather than "political claims against the State" (Keane 2001).

One of the persistent institutions that shape the geography of social rights is the household registration system called hukou in Chinese, which has been in place since its formal implementation in late 1950s. It functions as a tenacious measure to dissociate migrants with no permanent local hukou from accessing social services in their destination cities (Solinger 1999). Li Zhang also finds that migrants are "still officially classified as temporary residents in the city and treated as noncitizens" (2002:317-318), facing "prejudice and unequal treatment in everyday life" as well as denial of basic services such as education for children and access to state-subsidised (rental) housing (2002:317-318). It is apparent that the terms and conditions of exercising the citizenship are determined by the state (Miraftab and Wills 2005). Recent evidences also suggest that there has been a move towards blurring the existing boundary between agricultural and non-agricultural hukous, and reshaping the entitlement of citizens. This has been strengthening the separation of permanent residents with local hukous from migrants (Smart and Lin 2007; Smart and Smart 2001).

The significance of hukou system is obviously pronounced in urban development processes. Compensation measures for displacees, whether in-kind (eg relocation housing) or cash based, largely take into account one's tenure status, ownership of formally acknowledged property rights and in particular, possession of a permanent local hukou (in Chinese, changzhu hukou). The regulations for urban housing demolition in Beijing in 1991 states that owners and users of the buildings subject to demolition are entitled to compensation. An individual user means, by the regulation, a permanent hukou holder registered within the demolition boundary (BMG 1991). The 2001 revision to the regulations more specifically defined property-owners, public tenants or those tenants in rent-controlled private dwellings as the major recipients of compensation (BMG 2001). For residents in rural villages, their membership in village

collectives determines their eligibility for the receipt of benefits, if any, from village redevelopment (Hsing 2010).

As a result, most private tenants at present are effectively excluded from receiving compensation and are just left to negotiation with their landlords: the outcome is heavily skewed in favour of landlords. The most negatively affected and disadvantaged by such negotiations are the migrant tenants without permanent local hukous. Therefore, calls for the right to the city in China's urban contexts would require close attention to the institution of hukou that differentiates urban inhabitants' experience.

Displacement, nail-houses, and property rights activism

Since the early 1990s, China's major cities have seen the intensification of urban redevelopment. Beijing, for instance, saw the introduction of a new set of policy tools in 1990, which heavily relied on inputs, both technical and financial, from developers who are not necessarily private. The rapid urban transformation through inner-city redevelopment as well as sub-urban expansion has been driven by urban accumulation needs that rest on mobilising land resources (Hsing 2010; Wu 2009). The accumulation needs involve the conversion of rural farmlands under villagers' collective ownership into urban construction lands for urban governments to secure more land resources. The assembly of urban land and the transfer of land use rights have become critical to local state's performance and public finance (Ding 2005). In this process, clearance and demolition have also become the norm of urban spatial transformation, accompanied by a large scale of displacement.

While there is a growing emphasis on establishing the "rule of law", opportunities for citizens to put forward their legal claims are still limited. Because of this, protestors often make use of various "non-legal modes of resistance, including protests, petitions, and deadly confrontations" (Cai 2007:194). The measures would include: persistent appeals to higher courts; media exposure; winning the support of sympathetic (often high-ranking) leaders (O'Brien and Li 2005:38-42). Although protesters increasingly resort to law suits (see Hsing 2010; Johnson 2004; Zhang 2004), their attempts are often marred by bureaucratic processes that act as barriers to plaintiffs. Besides, the existing judicial processes tend to work in greater favour of governments and developers (Human Rights Watch 2004; Johnson 2004). Few people tend to have the will and intention to resort to formal measures when it comes to contending the state (Li 2004).

The lack of effective means to change the course of neighbourhood demolition consequently results in residents' discontents. Nail-houses, so-called "individualized modes of protest" (Hsing 2010:18), emerged out of such discontents as some residents' way of exercising their "right to stay put" against external forces driven by land-based political and business interests (see Figure 1).

Figure 1: Defiant building standing alone in a cleared site (source: photo by the author, 2008)



Much of the on-going debates on property rights activism largely focus on those with entitlements based on their legal property ownership and permanent hukou status. For instance, Cai (2007:194) analyses homeowners' protests to protect their legal rights, stating that "The laws that are supposed to protect citizens are ineffective, and those stipulations made and enforced by governments at the central and local levels ignore their [homeowners'] interests". This focus on homeowners may be grounded in the notion that they are the legitimate holders of property rights based on titles and deeds, without considering the formal and informal rights to the use of houses and lands that many migrants might hold on to. Migrants' rights are also less visible in Hsing's insightful publication on land-centred accumulation and land politics (Hsing 2010). Hsing refers to "two types of housing protests in large cities" which include "property rights protests and residents' rights protests" (2010:61). Here, the former refers to the protests by "private homeowners in the prerevolutionary era, whose properties were appropriated by the Beijing Municipal Government" (61), while the latter refers to those launched by "property owners and tenants" who "shared a territorial identity as urban residents" (2012:62). She further contends that "Residency was the physical anchor for

the quotidian support networks of job, family, community, and urban service-the life-worlds-of city residents” (62). However, these discussions do not take into account the hukou factor or residents’ varying degree of entitlements.

Standing in the way of development projects, nail-houses are often portrayed negatively by government officials who may claim them to be of nuisance or trouble-makers. As Hsing asserts, protesters are “presented as uncooperative and opportunistic negotiators for higher compensation and are accused of sacrificing the public interests for personal gain, and even of causing housing price hikes” (2010:78). Under these circumstances, how do local residents with various conditions (eg housing tenure, hukou, migration) view nail-households? Do they also regard nail-house activities as ad hoc events or something that emerges due to structural causes? In particular, what are the views among local residents towards migrants claiming a stake in the projects that involve the demolition of their homes? These questions form the basis of the analysis to be drawn in the following section, reporting the findings from my field research conducted in Guangzhou over the period between 2009 and 2011. The empirical findings in the following section are based on my site observation, a questionnaire survey and qualitative semi-structured interviews with local residents.

‘Local epistemology’ of nail-houses

Resistance and protests in contemporary China increasingly take a variety of forms, ranging from individual or collective lawsuits to non-legal modes such as petitions and violent confrontations (Cai 2007; O’Brien and Li 2005). There would also be an array of “everyday resistance” that remain “invisible” (Perry and Selden 2003:2). For instance, when people resist eviction and refuse to vacate, they may simultaneously organise petitions to approach sympathetic high-ranking officials and seek their intervention or moral support. They may also approach media that might feel compassionate about their cases.

If nail-house activities are acknowledged as one form of radical protest, it will also be meaningful to scrutinise nail-houses in order to gauge the views of permanent local residents and migrants on property rights activism and rights awareness. Two main reasons can be put forward: first, while riots or collective protests are much less frequent, nail-house activities have recently become one of the most visible forms of exercising property rights activism. Secondly, unlike other modes of resistance such as

petitions, nail-houses have been negatively depicted by governments as an act of selfish pursuit against public interests. However, the existing literature has not much discussed how urban inhabitants themselves view nail-houses.

In this regard, this section resorts to empirical findings to address three key issues: the extent to which the rise of nail-houses is deemed inevitable; local residents' support for nail-house activities despite their negative portrayal by local governments; local residents' views on providing preferential treatments in terms of compensation on the basis of "local citizenship". These empirical findings will help us critically re-visit, in the subsequent sections, the pros and cons of growing awareness of rights and property rights activism in urban China.

Outline of neighbourhoods for field research

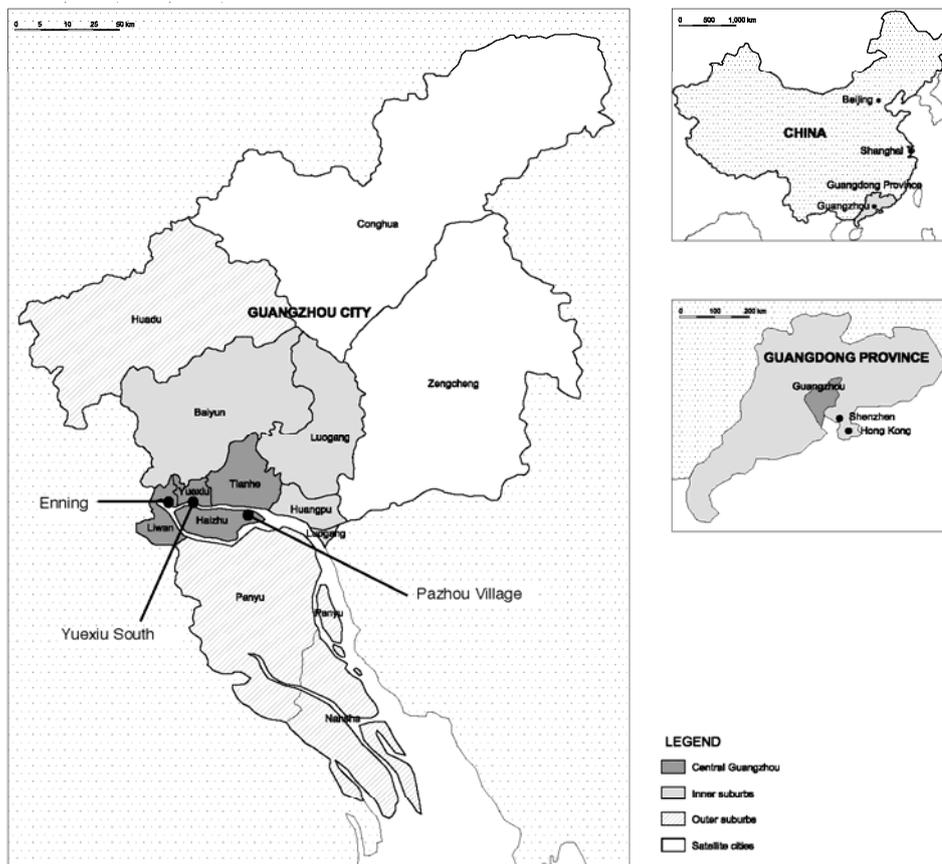
Three residential areas were selected for the study: one village-in-the-city (chengzhongcun in Chinese) called Pazhou village in Haizhu District and two inner-city neighbourhoods located in Liwan and Yuexiu Districts (see Figure 2). They were selected for their neighbourhood characteristics and urban redevelopment experiences. At the time of the survey, they were all under threat of demolition, influenced heavily by the municipal drive to prepare the city for the hosting of the 2010 Summer Asian Games.

Pazhou village is one of the numerous villages-in-the-city, frequently found in Guangzhou as well as in the wider Pearl River Delta region. These villages-in-the-city are former rural villages that have become urbanised in the midst of Guangzhou's outward expansion (Chung 2010). They are known for a high share of migrants, a proliferation of illegal construction of high-density rental buildings and a collectively led village governance structure that sometimes comes into conflict with higher-level urban authorities. According to the district planning bureau, Pazhou used to accommodate more than 3,000 villagers and a large population of migrants whose number at peak time might reach nearly 10,000 people. The relocation of villagers as part of the village redevelopment process commenced in March 2010 (Guangzhou Daily 2010).

The other two inner-city neighbourhoods were known for more regular forms of buildings with historic origins and a relatively high share of homeowners and public rental tenants. In Enning Road Redevelopment District, one of the two inner-city

neighbourhoods, 1950 households were to be relocated. By the end of July 2009, about 61% signed the compensation agreement (Information Times 2009; see Shin 2013 for more discussions about the redevelopment of Enning Road). The other neighbourhood Yuexiu South was also subject to redevelopment, and had over 600 households although the progress was slow. The share of public housing in these two neighbourhoods reached about 40% and 50% respectively, thus suggesting a reasonably high share of dwellings in private hands.

Figure 2: Location of study neighbourhoods in Guangzhou, China
(Figure produced by the author with assistance from S.Y. Koh)



Residents' views on nail-houses: Inevitability of nail-house emergence

As indicated earlier, nail-house activities have come to be one of the most visible forms of defending residents' properties against demolition and eviction. In the midst of local government's negative portrayal of nail-houses, one of the questions this paper seeks to address is to what extent urban inhabitants regard nail-houses as inevitable, and how their views are affected by their own household characteristics related to housing tenure, household registration and migration status.

The discussions in this section make use of the questionnaire survey data collected in late 2009. The questionnaire survey was part of a larger project that was to investigate local residents' housing history and their access to relocation dwellings in times of neighbourhood redevelopment. In total, 675 responses were collected from the questionnaire survey: 255 from Pazhou village, 260 from Enning Road and 160 from Yuexiu South.¹ All respondents were residing in their neighbourhoods at the time of the survey.

The survey included some questions to check respondents' awareness of the term "nail-house", and if yes, to what extent they regard the phenomenon of nail-houses as inevitable. Here, the dependent variable is about "Do you agree or disagree that 'nail-houses' are an inevitable phenomenon?" with options of (1) very much disagree, (2) somewhat disagree, (3) don't know (4) somewhat agree, (5) very much agree. Viewing nail-houses as an inevitable phenomenon would indicate that respondents do not regard them as an ad-hoc or idiosyncratic phenomenon but as having resulted from structural reasons. Given the local governments' overwhelmingly negative portrayal of nail-houses, respondents who view nail-houses as inevitable may be interpreted as being supportive of nail-houses to some extent, although this may not always be the case. As a matter of fact, 460 respondents turned out to be aware of nail-houses, and of these, 438 valid respondents were subject to the summary statistics reported in Table 1.² Here, the valid responses refer to those samples without missing values for the following four main variables: housing tenure; hukou status; neighbourhood location; concern for demolition in the near future.

As indicated in the table, it turns out that 53% of all valid respondents regarded the emergence of nail-houses as inevitable, while 30% thought otherwise. The trend is more or less similar even if the respondents are broken down into sub-categories. The

majority of homeowners and public rental tenants (56% 53% respectively) acknowledged the inevitability of the nail-house phenomenon. This is somewhat expected, given their possession of tangible property assets in the case of homeowners in particular, and their legally protected, albeit inadequate, entitlement to compensation upon their house demolition. What is interesting is the large number of private tenants (49%), mostly migrants, who are also thinking in the same way even though they hardly receive compensation upon neighbourhood redevelopment and demolition of their rental dwellings.

Table 1. Degree of agreeing on the inevitability of nail-house phenomenon as per various household characteristics

Variable	Variable value		Very much disagree	Somewhat disagree	don't know	Somewhat agree	Very much agree	Total
Tenure, Housing	Homeowner	n	13	61	38	73	69	254
		%	5.12	24.02	14.96	28.74	27.17	100
	Public tenants	n	3	10	9	10	15	47
		%	6.38	21.28	19.15	21.28	31.91	100
	Private tenants	n	7	38	25	42	25	137
		%	5.11	27.74	18.25	30.66	18.25	100
Hukou status: GH for Guangzhou Hukou	Guangzhou Hukou	n	16	72	50	81	83	302
		%	5.30	23.84	16.56	26.82	27.48	100
	<i>GH, urban</i>	n	16	65	44	74	80	279
		%	5.73	23.30	15.77	26.52	28.67	100
	<i>GH, agricultural</i>	n	0	7	6	7	3	23
		%	0	30.43	26.09	30.43	13.04	100
	non-Guangzhou hukou	n	7	37	22	44	26	136
		%	5.15	27.21	16.18	32.35	19.12	100
	<i>non-GH, urban</i>	n	0	6	4	11	5	26
		%	0	23.08	15.38	42.31	19.23	100
<i>non-GH, agricultural</i>	n	7	31	18	33	21	110	
	%	6.36	28.18	16.36	30.00	19.09	100	
Neighbourhood	Pazhou village, Haizhu	n	9	39	31	49	34	162
		%	5.56	24.07	19.14	30.25	20.99	100
	Inner-city neighbourhoods	n	14	70	41	76	75	276
		%	5.07	25.36	14.86	27.54	27.17	100
	<i>Enning</i>	n	10	53	30	41	43	177
		%	5.65	29.94	16.95	23.16	24.29	100
	<i>Yuexiu South</i>	n	4	17	11	35	32	99
		%	4.04	17.17	11.11	35.35	32.32	100
Concern for demolition	Not worried at all	n	13	67	37	71	49	237
		%	5.49	28.27	15.61	29.96	20.68	100
	Somewhat worried	n	1	28	13	24	21	87
		%	1.15	32.18	14.94	27.59	24.14	100
	Very much worried	n	9	14	22	30	39	114
		%	7.89	12.28	19.30	26.32	34.21	100
Total	n	23	109	72	125	109	438	
	%	5.25	24.89	16.44	28.54	24.89	100	

Note: As for the respondents subject to analysis in this table, the mean value of age is 44.25. Its standard deviation, minimum and maximum values are 13.27, 17 and 88 respectively.

As for the hukou status, while 54% of Guangzhou hukou holders acknowledged the inevitability of nail-houses, one in two non-Guangzhou hukou holders (51%) also indicated a similar sentiment. With regard to the neighbourhood location, the majority of the respondents from the inner-city neighbourhoods and Pazhou village also shared this sentiment. In the case of those respondents with a differing degree of concern for demolition of their homes, it appears that those people who were more concerned for demolition felt more strongly for the inevitability of nail-house activities: about 61% of the respondents who were very much worried about the demolition regarded nail-houses as inevitable, while 51% of those not worried at all shared the same view. In summary, the survey results reveal that there is a compelling degree of consensus that the rise of nail-houses is considered as inevitable, and this view is fairly consistent irrespective of people's housing tenure as well as their migration status.

Discontents and support for nail-houses

Additional semi-structured qualitative interviews were carried out in late 2010 with local residents in order to further scrutinise their views. In total, 28 interviews were carried out: eight were the original participants in the initial survey, and due to practical constraints, the rest were recruited through snowballing (recruitment of further interviewees through known contacts). Thirteen were from Pazhou, and the rest from Enning Road. Most interviewees were holders of Guangzhou hukou, while four from Pazhou were migrants. The interviewees from Pazhou were all displaced from the village at the time of interviewing. As for the interviewees from the Enning Road redevelopment district, two were already displaced but the rest were still living in the neighbourhood.

Local governments often portray nail-houses negatively. This stance is clearly visible in the latest propaganda posters that I came across in Pazhou (see Figure 3). These propaganda posters depict nail-households as selfish neighbours who stood in the way of local community's collective interests. Reflecting this negative painting of nail-houses by local governments, several interviewees readily criticised nail-houses for being driven by self-interests, getting in the way of neighbourhood improvement. For instance, a migrant tenant from Pazhou (P2) stated that "I feel their practice is not right. Today's houses are all messy, and all these buildings are poorly constructed. Under this situation, you cannot just think of your family only".³ Another public tenant from Enning Road (E1) also points out that "If you are a private house-owner, sometimes you

only think of yourself. The environment is going to be improved, so why trouble the government?"

Figure 3: Posters criticising nail-houses for their interference in the timely delivery of development projects (source: photo by the author, 2010)



Nevertheless, many more were found supportive, referring to their discontents emerging out of redevelopment processes. Some interviewees even pointed out that nail-house activities are to put forward their reasonable demand for compensation which fails to meet residents' expectation, especially that of owner occupiers. The discontents are mainly about the negative impacts on their property-related assets. These range from the loss of rental income to the unnecessary increase in post-displacement housing expenditure. For instance, for the residents in Enning Road, the average amount of cash compensation, including incentives for timely moving, was around 9,000 yuan per square metre in mid-2008 (Nanfang Dushibao 2008): This level of cash compensation seems to have remained the same for a while and increased incrementally to reach 11,000 ~ 13,000 yuan per square metre by mid-2011 (Guangzhou Daily 2011). The size of cash compensation was considered to be far inadequate to finance a flat for relocation into adjacent areas where housing prices have also substantially increased during the period.

The frustration also resulted from the residents' concerns over ambiguous property rights which can be seen as a legacy of the housing allocation practices during the era of planned economy (Shin 2010). Although constructing additional floor space to address overcrowded living conditions was a common practice, this was not always recorded and/or endorsed by local governments. For example, a resident from Enning Road (E10) who lives in a house inherited from his grandmother says that his total floor area amounts to 99.97 square metres, due to the conversion of what originally was a one-storey dwelling into the current three-storey unit to address the space needs of his family. He further suggests that "many in this area have title deeds that say one-storey [dwelling] but in reality have [additional] two or three floors constructed. It will be difficult for them to agree [on compensation]. This is just a historic legacy". An original villager (P4) who temporarily lives as a private tenant after his displacement from Pazhou also states:

"I understand their [nail-householders'] requests, because they have their **reasonable** [*heli* in Chinese] **demands** [emphasis by the author]. I think they are being reasonable... Previously, many people with children built additional floors, but after construction, did not report them, resulting in a smaller space [entered] in their housing certificates than the actual size. It is not right not to be able to receive compensation [because of that]."

The use of the expression, "reasonable demands", was noticeable in the interviews with many other local residents too. A Guangzhou urban hukou holder (E8) who apparently has a house owned in Enning Road says, "I only have a reasonable demand... Without an official guarantee [of a house for relocation], I would not move and rather die [here]". Another public rental tenant (E12) also agrees that people would not become nail-householders "if reasonable arrangements were provided". The expression of "reasonable" indicates that nail-householders' demands are understood as to claim what rightfully belongs to them.

Views on granting compensation to migrants

Migrants without a local hukou face limited access to various services that their host cities increasingly provide on the basis of "local citizenship" (Smart and Smart 2001). The migrants' unequal access to urban entitlements is also pointed out by Li Zhang who refers to the preferential treatments of permanent urban residents as the rise of "urban nativism" (2002:327). Questions arise here: should migrants also be granted compensation? If so, on what basis and to what extent?

Quite interestingly, several interviewees, including both migrants and permanent local residents, expressed their support for the idea of granting some kind of compensation to migrants. Migrants' asset investment in host cities is pointed out as one of the reasons for advocating the provision of compensation for migrants: This essentially builds upon people's notion of associating compensation with property ownership rights.

A migrant interviewee (P10), who had lived in Pazhou for about 10 years before his displacement and owned a residential property therein, argues that migrants should "receive compensation, as numerous migrants have invested in the neighbourhood". This view is shared by an elderly migrant interviewee (P3) who was displaced after living in Pazhou for about 2 years. He was in favour of allowing compensation "if [buildings were] rented and have a signed contract", adding that:

"Let me give you an example...The father of that man who set up the factory had invested money there [in Pazhou], renting a building from someone with a surname Xie and signed a contract...In the contract it was as such that relocation compensation would all be his landlord's. The result was that he did not receive any. It was miserable for him. He invested a lot of money and did not retrieve any"

Migrants' contribution to the city and their neighbourhoods was also highlighted. For instance, a local villager from Pazhou (P4), holding a Guangzhou hukou, advocates the idea of making relocation provision for migrants on the condition that their contributions to the city can be proven. He further iterates:

"Whether or not to gain the benefits [that is, compensation] should assume some conditions and [each case] differently treated. Some people are working within the village, having worked many years, and it is right for them to receive some benefits. But, for those who have recently arrived and rented their dwelling, why should they be given compensation?"

Compensation in general may include monetary compensation as well as in-kind compensation (relocation or re-housing units). However, when referring to migrant tenants' eligibility, respondents tend to make a distinction between monetary compensation (buchang in Chinese) and relocation arrangements (anzhi in Chinese), associating the former with property ownership and the latter with tenancy: Instead of referring to compensation, an original villager (P6) who used to own a house before his displacement from Pazhou (P6) prefers to assert that migrants "should be given relocation [housing], since they have contributed to the construction and development

of Guangzhou”. This is further reiterated by another local villager (P9) who explains that:

“As far as I can see, they don’t get compensation. After all, they do not have property rights [of the house they live in]. But, they should be subject to relocation measures. They have contributed a lot to the construction of Guangzhou. Demolition and house-moving would have a great impact on people, and they should be relocated”

Migrants’ long-term residency in their host cities has increasingly become a characteristic of the population. In the case of those survey respondents reported in Table 1, the average number of years lived in Guangzhou turned out to be about 11 years for the migrants, which is a relatively long period (44 years in the case of permanent local residents). Their number of years lived in the studied neighbourhoods was 6.7 years (35 years in the case of permanent local residents). In this regard, migrants’ long-term residency was cited as another reason for an owner-occupier (P11) to be in favour of giving compensation to migrant tenants:

“Whether or not to give compensation, it is difficult to say... there are some [migrants] renting for a relatively long period. There used to be a household who lived close to me and had been living [in the village] for many years. I see them as equivalent to local residents, help him look after the small child...They’ve moved out some years ago, but still come back to see us.”

A public rental tenant in Enning Road was more explicit in relation to the issue of compensation based on migrants’ status: “If the policy is relaxed, there should also be some compensation [for migrants], because they are also citizens [gongmin in Chinese] and are equal [pingdeng in Chinese]. Citizens should not be treated unequally” (E14). However, it should also be noted that the Chinese use of gongmin or citizen “connotes collective membership in the polity, rather than a claim to individual or inalienable rights *vis-a-vis* the state” (Perry, 2008:46).

Overall, the interviewees from Pazhou were more explicitly elaborating on their supporting views with regard to migrants' receipt of compensation than inner-city interviewees did. Their supporting views might have to do with migrants’ daily and commercial activities concentrated in the village-in-the-city and the resulting economic benefits as well as social interactions the local villagers shared. While the views of the above interviewees may not be conclusive nor representative of all the residents, they indicate a greater potential in a place like the Pazhou village to promote a sense of solidarity on the basis of non-material interests and mutual understandings, which

would help them express their concern and put forward greater claims on imagining what kind of city is to be constructed.

Nevertheless, it should also be noted that many interviewees were still acknowledging the status quo defined by the existing legal and regulatory frameworks. That is, migrants without the local hukou are hardly given compensation. As of 2003, the regulation on urban housing demolition in Guangzhou granted formal compensation to property owners and public tenants subject to government-regulated standard rents (GMG 2003). In 2009, the guideline on the redevelopment of inner-city areas in Guangzhou provided preferential treatments to the property owners whose dwellings were smaller than 40 square metres and only if they held the Guangzhou urban hukou (GMBLRHM 2009). Under the conditions, it is understandable that interviewees show a particular tendency to underline the absence of compensation for migrant tenants. A female migrant who used to live in Pazhou as a private tenant (P2) admitted that there was nothing she could do upon demolition and did not have any opinions, “for being a tenant, I did not have the power to do so” (P2). The absence of power stems from the fact that only legal owners of real estate properties are subject to compensation upon neighbourhood demolition. In this respect, it is no surprise to hear the interviewees frequently refer to the migrant tenants’ absence of property rights. An original Pazhou villager (P9) acknowledged that “from my point of view, there is certainly no compensation [for migrant tenants]. After all, they do not have property rights”. This is echoed by another owner-occupier in Enning Road (E16) who expresses his feelings that migrant tenants should not receive compensation, as “they are not house-owners and only live here as tenants. It is only reasonable to give compensation to house-owners”.

Rights awareness and the limits of property rights activism

The empirical discussions above suggest that there are more people who tend to agree on the inevitability of the nail-house phenomenon than people who do not agree. More importantly, people who support or feel sympathetic for nail-houses frequently refer to property rights. This reflects the level of rights awareness raised, resulting from the earlier reform measures to establish the housing market and private home-ownership, and to privatise a large share of publicly allocated rental dwellings. The implementation of the Property Rights Law in 2007 and the amendment to the Chinese Constitution in 2004 would have further raised people’s expectation of having their privately owned properties protected. To some extent, in certain political, especially authoritarian,

contexts like that of China, the pursuit of property rights activism may bear some fruits of expanding people's awareness of rights in general.

On the other hand, the emphasis on property rights and the protection of private properties may have the function of undermining the decades-long discrimination against rural-urban migrants. Various reform measures have been implemented to link the acquisition of a local hukou with the purchase of real estate properties. Migrant homeowners and native homeowners are treated as equals when it comes to the compensation regulations upon housing demolition, as long as the home-ownership is legally binding and comes with lawful titles. However, a more critical perspective may see this as a process of assimilating relatively affluent migrants (including skilled migrants who have returned from overseas after study abroad) into the local citizenry.

Whether those property-owners and their exercise of property rights activism are progressive needs to be questioned. Experiences have shown that the relationship between homeownership and civic virtue is multi-faceted. For left-leaning critics, the growth of owner-occupation leads to the proliferation of privatism that centres on one's own lifestyle and secluded private space with owner-occupiers' much less concern for political and social issues (Lundqvist 1998). However, more conservative perspectives would regard owner occupation as having greater willingness to participate in societal issues that affect their vested interests in privately owned properties (ibid). This willingness would be evoked in so far as these societal issues affect owners' property values. That is what David Harvey calls "intense possessive individualism" (Harvey 2008:32). In other words, with vested material interests in the exchange value of owned properties, homeowners' political interests are centred around preserving (and increasing) property values, leading to fragmented forms of collective action with broken links with wider societal movement. Property rights activism by homeowners alone (and to some extent, by public tenants in the Chinese urban contexts) would be limited due to the fact that it could possibly lead to a pursuit of the notion of "just us" (Merrifield 1996; Dikec 2001).

As it stands, the property rights activism in China's urban contexts fails to recognise the common language for all those inhabitants who share particular time and space, favouring those who own property assets (as demonstrated in earlier interview findings), and discounting those who make contributions to the city by other means (for example, wage workers providing labour). Even though China's existing property rights

and hukou system are undergoing some changes, the direction of change continues to let certain segments of urban inhabitants face severely constrained opportunities, if not completely barred, when voicing out against the ruling state (Shin 2010). Migrant tenants marginalised in Chinese cities in spite of their immeasurable contribution to urban development and accumulation are the most negatively affected, eliminated from intervening in any part of urban planning processes (Wu and Webster 2010).

What implications does the prominence of property rights have on the expansion of urban inhabitants' right to the city in China? To address this, it is necessary to revisit how rights are defined in China. Critics identify two distinctive characteristics. First, the awareness of rights in Chinese contexts is closely associated with one's membership in collectives and consequently with what has been promised by the state via their group membership (Pei 2003; Perry 2008). During the period of planned economy, one's membership in a work-unit determined the level of individual/household access to various welfare benefits that employers provided. For rural farmers, their membership in village collectives determined the range of welfare benefits that they were entitled to. As China's reform and transition have accompanied socio-economic, institutional and cultural reconfigurations, one's notion of rights has also been made complicated by the range of new opportunities (eg housing as commodity, investment in stock markets) as well as the loss of old benefits (eg life-long guarantee of jobs or access to employer-provided public housing). The loss of old-time entitlements and/or the exclusion from new opportunities let people's claims of rights grow "rooted in history", invoking various promises and slogans that characterised the collectivisation and the Cultural Revolution period (Perry and Selden 2003:9).

Second, in China, rights claims are more to do with rights to subsistence. In discussing how Chinese conception of 'rights' differs from the Anglo-American tradition, Elizabeth Perry (2008) argues that the rights claims in China centre on the attainment of socio-economic security, and much less so on political freedom. Perry (2008) further contends that the Chinese state has also been emphasising the importance of ensuring people's rights to subsistence as an essential means to uphold its legitimacy. Perry traces the roots of this notion to be in the thinking of not only the Communist revolutionaries in the twentieth century but also in the philosophical thinking of Mencius, one of the early students of Confucianism 2000 years ago, who emphasised

the rulers' obligations to their people for the promotion of economic security (Perry 2008). As Perry (2008:46-47) further notes:

“In a country where rights are seen more as state-authorized channels to enhance national unity and prosperity than as naturally endowed protections against the state intrusion, popular demands for the exercise of political rights are perhaps better seen as an affirmation of - rather than an affront to - state power.”

Minxin Pei (2003) also expounds that the extension of people's rights has been aimed at ensuring people's fulfilment of their duties to the state rather than their protection against the state intrusion. Furthermore, China's conceptualisation of rights features a strong orientation towards collectivism in that people's rights derive from their membership in collectives rather than are granted at birth. Therefore, what it emphasises is people's obligation to fulfil duties to their communities (Pei, 2003). To this extent, it is possible to understand the emphasis made by some of the interviewees on the importance of migrants' contribution to the development of Guangzhou and their neighbourhoods as a way of justification to extend some sorts of provision for relocation upon displacement.

The examination of how rights are framed and conceptualised in Chinese contexts suggests that there is a huge gap between the Chinese conceptualisation of rights (and corresponding rights activism) and the right to the city. While the former largely focuses on the rights to economic welfare and security and hence the realisation of distributional justice, the latter goes beyond the distributional justice. The right to the city perspective encompasses rights claims against the state, as identified in Lefebvre's emphasis on autogestion, Harvey's emancipatory urbanism to gain a democratic control over capitalist accumulation and Dikeç's emphasis on securing access to “political space”. While China sees a rising number of protests by various social groups, for example, villagers against land expropriation, factory workers against harsh labour conditions and low wage and nail-households against eviction orders. These protests, however, rarely go as far as making claims against the state nor the Chinese Communist Party. Nor do they raise fundamental questions about the inherent exploitation of the mass population by the current systems of accumulation that largely build upon the exploitation of cheap migrant labour and domestic investments or land grabbing for local states to raise land-related revenues.

Conclusion: Calling for the right to the city in China

China's property rights reform and strengthened protection of private properties have given rise to the emergence of property rights activism especially among homeowners who may "become more audacious in fighting for their entitlements and in defending their private paradise" (Zhang 2010:4). Nail-houses reflect this activism translated into urban struggles, frequently launched by homeowners in an attempt to defend their ownership rights and property-based interests (Yip and Jiang 2011; Zhang 2004). Governments have reportedly made some concessions to adopt more inclusionary measures such as public hearings and to alleviate residents' frustration against demolition and displacement (Cai 2007; People's Daily 2011). However, at present, participating in state affairs is likely to be regarded "as a state-conferred privilege rather than as a natural or inalienable prerogative" (Perry, 2008:46).

What might be the way forward for China's urban inhabitants? The contextualisation of the right to the city in urban China suggests that it is imperative to pay attention not only to homeowners and public tenants but also to migrants who are the most alienated in the country's urban contexts. While not discounting the rising importance of homeowners' property rights activism in claiming citizens' rights, it is also necessary for this activism not to fall into the narrow dimension of advocating the rights of only a particular segment of urban inhabitants nor limit itself to claiming rights to distributive justice only for reasonable compensation. As Dikeç points out, the right to the city needs to be claimed by "all those who inhabit the city without discrimination" (2001:1790). In other words, there is a need "to bind people together, but in a togetherness *in difference*" (Merrifield 1996:201; original emphasis).

What the empirical analysis discussed earlier in this paper suggests is that building an alliance may be challenging but not impossible. It is challenging because a substantial number of people still do not agree on the inevitability of nail-house phenomenon, and may accuse nail-householders as pursuing self-interests. One of the tasks of the alliance would therefore be producing a "language of commonality" (Merrifield 1996:200) and win the hearts and minds of neighbours whose views tend to mirror authorities' views and propaganda that often criminalise nail-houses. Another significant challenge may also rise from the transient nature of migrants who may simply opt out of political alliance. Nevertheless, they stay increasingly longer in their host cities. Thus, their

stakes would only grow bigger, and it will progressively be more difficult to situate themselves outside the urban political landscape.

Besides, there are some affirmative signs in my empirical analysis, implying that migrants, severely disadvantaged in urban processes, are also feeling supportive for protesters, even though such protests would not lead to migrants' material gains. The same goes to the views of a number of permanent residents who acknowledge the needs of granting some sort of compensation to displaced migrants on the basis of their immense contribution to the city. These feelings may possibly be the basis on which a “togetherness in difference” might be sought in discussing how collective claims can be made not only to enhance the rights to distributive justice, but also to secure urban inhabitants' collective right to participation in the production of urban space, tackling the process of accumulation.

To sum up, in urban China where growth depends much on land-based accumulation (Hsing 2010; Wu 2009), the construction of a cross-class alliance that traverses heterogeneous socio-economic groups and challenges the land-based interests could be "a way of actively and collectively relating to the political life of the city" (Dikeç 2001:1790).

Scholars have noted that as an authoritarian Party state, China strives to geographically isolate protests and organised resistance in order to prevent them from developing into a broader societal movement. As Perry and Selden (2003:20-21) note:

“The state has dealt extremely harshly with movements...that boast a socially and regionally diverse membership, whereas it has shown considerable leniency towards conflicts - such as strikes by workers at a single factory or tax riots by farmers in a single village - that are more homogeneous in membership and locale”

Perry and Selden (2003) further state that China's imperial and modern history demonstrate “the power of social cooperation” bringing together disparate social groups as a cornerstone of revolutionary changes.

This approach coincides with the fundamental principles of what the advocates of the right to the city called for, which ask us to go beyond the single class-led urban struggles. China's development on the two track systems of urban accumulation on the basis of exploitation of migrants' labour and land mobilisation by urban governments makes it all the more important to establish this cross-class alliance in urban fabric. It is

in this regard that the perspective of the right to the city would be meaningful in expanding the rights of urban inhabitants in China to decide the future shaping of their cities.

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Endnotes

¹ The survey made efforts to ensure that the neighbourhood sample size was proportionate to the size of official estimates of neighbourhood population (obtained from local planning bureaux). As detailed hukou data were not available, households were randomly selected by resorting to a random route method using street maps and house numbers, and by using a fixed interval approach to contact households on each street. The survey aimed at obtaining the views of residents with local hukou and migrants. Therefore, households were selected in such a way as to make sure approximately an equal share of both groups could be included in the sample. Eventually, about 42% of the total survey respondents were migrants and the other 58% local residents with Guangzhou hukou.

² The fact that only 460 survey respondents expressed their views on nail-houses indicates that there were 215 non-responses. A simple comparison between those who responded and those who did not reveals that homeowners were more likely to express their opinions than private renters, and Guangzhou

hukou holders more than the rest. The implication is that the longer or more attached to Guangzhou, the more likely respondents are to express their opinion.

³ Each interviewee is given a classification code that represents the neighbourhood (P for Pazhou and E for Enning) and the interview sequential number.