

Illegal construction on the urban fringe as new landscape of urban sprawl: the case of Nanjing, China

1 Introduction

With the rapid development of China's urbanization during the past three decades, many large cities such as Beijing (Deng and Huang, 2004), Guangzhou (Yu and Ng, 2007) and Nanjing (Zhang et al., 2004) have emerged the phenomenon of urban sprawl. As the forefront of the sprawl process, urban fringe is, above all, a place of heightened land-use conflict, uncertainty and profit potential (Clark, 1999: 301). Currently, illegal land use and construction on the urban fringe is very prevalent in China, especially in urban villages (*chengzhongcun*) located in this area. These illegal low-quality and low-rent housing has provided accommodations for low income urban residents, local peasants, and especially for massive rural migrant workers.

There are two kinds of illegal construction on the urban fringe in China. The first is the self-help housing (Figure 1, Left), which refers to peasants built, rebuilt or enlarge their houses larger than the legal limits on their housing land. This kind of illegal construction is non-organized and its main actor is landless peasants in urban villages. In reality, it mainly has two construction patterns: one is constructed by peasants themselves, the other is to cooperate with other people. The second is the real estate development on collectively owned land (Figure 1, Right), which is literally known as the "small property housing", "mini-property housing" (*jiti tudi fangdichan* or *xiao chanquanfang*). Compared with the self-help housing, the "small property housing" is a newly appeared phenomenon which is organized and large-scaled, and its main actor is villagers committee. The essence of this kind of illegal construction is illegal land use, which mainly includes illegal transfer land, illegal occupy and use land, illegal buy and sell land. The "small property housing" mainly has three construction patterns. The first is constructed by the villagers committee (or the villagers collective economic organizations) and its cooperation with the constructing contractor through occupying



Figure 1. The self-help housing (Left) and the "small property housing" (Right)

Source: The picture of the self-help housing is from [http:// han.house.sina.com.cn/.../3631240.html](http://han.house.sina.com.cn/.../3631240.html) (Haikou, China), and the picture of the "small property housing" is from author's survey in Xingwei Village, Qixia district of Nanjing, China.

the collectively owned land illegally. The second is constructed by real estate developers who use the collectively owned land transferred illegally by the villagers committee. The third is constructed by real estate development companies which are set up by villagers committee themselves.

As a controversial concept, urban sprawl is typically and loosely defined as unplanned, low-density, scattered development that extends out from cities (Harvey and Clark 1965; McKee and Smith 1972; Ewing 1994). Seeing historically, it is during the process of urban sprawl that these two kinds of illegal construction occurred in China. Whether you accept it or not, from the perspective of urban landscape morphology, illegal construction on the urban fringe does constitute a part of the urban sprawl. To compare with the *traditional* landscape of urban sprawl, I think, illegal construction on the urban fringe, especially the “small property housing”, could be seen as a *new* landscape of urban sprawl. However, what’s the word “*new*” really means? Inclusively and a little critically, it contains three meanings: (1) these two kinds of illegal construction is also unplanned, low-density and scattered development (the word “development” here may have negative meanings), but it locates on the urban-rural fringe not from the cities, so it is different from the *traditional* landscape of urban sprawl; (2) urban sprawl as a phenomenon of urban spatial development, it is bound to be controlled by the legal norms, but the self-help housing and the “small property housing” are extra-legal development, so it is also different from the *traditional* landscape of urban sprawl; (3) urban sprawl is mainly impelled by the local governments from top-down, but illegal construction on the urban fringe is impelled mainly by landless peasants and villagers committee from bottom-up, so it is different from the *traditional* landscape of urban sprawl, too. Here, the real purpose to use the word “*new*” in this paper is to remind us that, illegal construction on the urban fringe as a new kind of dwelling type in China, any analysis or explanation to it should pay attention to the inherent relationship (including the sameness and the difference) between the Western urbanization theory and the urban reality in transitional China. In essence, “*new*” means a different way of seeing.

Compared with the rich literature on self-help housing, relatively little is known about “the small property housing”. In practice, illegal construction on the urban fringe is often rebuked and punished rigorously by local governments. However, these measures of governance illegal construction are almost futile efforts. The problem is by no means so simple, I think. On the contrary, we urgently need a critical reflection on it. Why will illegal construction occur? What’s the inherent generative mechanism and logic of these illegal actions? How can we understand this new phenomenon in a more rational way? These are the questions this paper attempts to answer.

The rest of the paper is organized as follows. Following this introduction, the second section explains why the “small property housing” is illegal (relatively, the self-help housing is easy to be understood). The third section reviews literature on illegal construction and proposes a theoretical framework for analysis. The fourth section presents an empirical research of illegal construction on the urban fringe in Nanjing, China. The final section summarizes the main arguments and recommends

for future research.

2 Why illegal: China's land laws and regulations

To understand why the real estate development on collectively owned land is illegal, it is necessary to make some explanations to China's land management laws and regulations. Making division and distinction are important means to social control for China's government, just as Wang (2005) points out. In dealing with land management, the state also makes several distinctions of the land according to its location, ownership, and use (Lin and Ho, 2005).

The first distinction of the land is between urban and rural, with the former referring to the land in officially recognized cities, county seats, designated towns, and industrial and mining areas. Then, there is the distinction between state-owned land and collective-owned land. According to *The Law of Land Administration of China* (revised and promulgated 28 August 2004), "Land in urban districts shall be owned by the State. Land in the rural areas and suburban areas, except otherwise provided for by the State, shall be collectively owned by peasants including land for building houses, land and hills allowed to be retained by peasants" (Article 8). "Any unit or individual that need land for construction purposes should apply for the use of land owned by the State according to law" (Article 43). And similar stipulations could be found in *Regulations on Urban Real Estate Development and Management Control* (Promulgated 20 July 1998), "Collectively owned land within urban planning zones may be used for real estate development and management only upon requisition and turning into state-owned land" (Article 42).

Finally, all land is classified according to its use into "agricultural land", "construction land" (land used for non-agricultural purposes), and "unused land" (land other than agricultural land and construction land). Moreover, the collectively owned land requisitioned for the real estate development must be collectively owned construction land. At the same time, collectively owned agricultural land is forbidden to be requisitioned for non-agricultural construction. According to *The Law of Land Administration of China* (2004), "Whereas occupation of land for construction purposes involves the conversion of agricultural land into land for construction purposes, the examination and approval procedures in this regard shall be required" (Article 44). And, the law has stipulated further details that, "The requisition of the following land shall be approved by the State Council: (1) basic farmland, (2) land exceeding 35 hectares outside the basic farmland, (3) other land exceeding 70 hectares. Requisition of land other than prescribed in the preceding paragraph shall be approved by the people's governments of provinces, autonomous regions and municipalities and submitted to the State Council for the record" (Article 45).

The explanations above show that the state has an extremely strict control of collectively owned land used for real estate development. In short, collectively owned land to be used for real estate development, it must build on two bases: one is the construction land, and the other is the state-owned land.

3 Conceptual framework for analysis

3.1 A brief review of literature on illegal construction

As a sensitive problem in transitional China, illegal land use and construction has aroused many scholars' interests, especially oversea Chinese scholars. The English literature on this subject could be divided into three categories: (1) self-help housing on urban fringe, (2) the political economy of illegal land use and construction; (3) critical reflections on urban informality and illegality in developing countries.

3.1.1 Self-help housing on urban fringe

Self-help housing in developing countries is a very common phenomenon, which is often associated with the formation of slums and squatter settlements, and there are a lot of English literatures on this topic (Turner, 1968, 1976; Ward, 1978, 1982; Burn, 1983; Lacey and Owusu, 1987; Mathey, 1992; Duncan and Rowe, 1993; Aldrich and Sandhu, 1995; Tait, 1997; Kreibich, 2000; Ward and Peters, 2007). Recently, self-help housing in China is also becoming a hot research topic. Taking Zhejiangcun in Beijing as a case, Liu and Liang (1997) investigates the formation process of informal settlements on the urban fringes from social, economical and institutional aspects, they point out that informal settlement is the direct outcome of national economic reforms since 1980s, and the institutional basis for this kind of development derives from the current state of China's land administration systems. Zhang (1997) argues that informal construction in Beijing's older inner city is not just residential space, but also important economic space for the neighborhoods and even for city's socio-economic and political life. However, it is unfair to informal construction for getting no compensation from the city government during the process of inner city renewal, and the author reminds of us that we should reflection on the regulatory function of urban planning. Zhang et al (2003) argue that, from a general perspective, the self-help housing in China's urban village is similar to that in other developing countries, both largely associated with the low economic status of migrants. However, a main difference between them is that self-help housing in China's urban village is closely related to the urban-rural dichotomy in land policy and housing provision, unlike elsewhere in the world where a shortage of affordable housing is the main constraint limiting the options of migrants.

3.1.2 The political economy of illegal land use and construction

Taking illegal construction in urban village in Guangzhou as an example, Tang and Chung (2002) criticize McGee's Desakota Model for its wrong impression of urban-rural transition, and point out that illegal construction activities in China are individual attempts to overcome urban encroachment and the extension of networks of government over time and across space. Tang and Chung (2002) argue that we should examine the geography of illegal activities along the approach of geographies of difference. To Tang and Chung (2002), illegal construction in urban village as a kind of spatial phenomena, it could be seen as the outcomes of local peasants' struggles, in one form or another. In a conference paper, Tang (2005) further suggests that we should pay enough attention to the continuing intervention of the state. Although

changes have occurred since the economic reform in the early 1980s, the state has continually intervened in the city via its control over the local authorities, in the production of landed and property and in the production of the social impacts of urban development.

Similar to Tang's arguments, Lin and Ho (2005) suggest that China's land development process should be understood in the context of a dynamic and strategizing socialist state, characterized not only by its frequent temporal institutional changes, but also by an internal structural diversity of power relations which has resulted in the discrepancy between the state's intention and actual outcome. Illegal land activities in metropolitan regions on the eastern coast of China, however, are precisely the unintended consequences of state practice. Wang and Scott (2008) analyze the problem of illegal farmland conversion in China's urban periphery by applying the concept of urban regime. Wang and Scott (2008) point out that, illegal farmland conversion as a collective action exercised by the emerging local development regime, encroaching on farmland is not the ultimate goal of such a regime, rather, this regime exercises illegal farmland conversion for the purpose of attracting investment and stimulating local economic development.

3.1.3 Critical reflections on urban informality and illegality in developing countries

Research on urban informality in developing countries is often intertwined with the issues of informal economy, informal development and informal urbanization. The ways that urban informality has been described is manifold, the enormous amount of literatures on this topic ranging from the idea of self-help to the notion of informality, from the myth of marginality to the term illegal city (Ward, 1978, Drakakis-Smith, 1981; Castells, 1983; Soto, 1989; Portes *et al*, 1989; Fernandes and Varley, 1998; Roy and Alsayyad, 2004). However, the purpose here is not to refer all these literatures, but to review a few more related and more inspirational ones. Rakodi and Leduka (2002) propose a conceptual framework in order to explain the social institutions that regulate informal land delivery processes and transactions in six African cities, as well as to assess the strengths and weaknesses of land delivery systems from the perspective of all actors. Usually, there are three conceptual frameworks could be used to analyse and explain social institutions: structuration theory (Giddens, 1984), institutional analysis and social non-compliance theory that was built on Sally Falk Moore's idea of "semi-autonomous social fields" (Moore, 1973) and James Scott's notion of "the weapons of the weak" (Scott, 1987). Because of the insufficiency in its own explanatory power, Rakodi and Leduka's framework is inclusive which combines the elements of all these three perspectives.

In May 2001, an international meeting on the theme of "Coping with informality and illegality in human settlements in developing cities" was held at Belgium by the ESF/N-AERUS International Workshop. The issues discussed on the Workshop could be summarized as one question: "What is the nature of informality and illegality in developing cities and how shall we cope with it?" According to the submitted papers, we can conclude that, in most of the developing cities, the division of formal/informal,

legal/illegal is not a natural process, but a political and institutional exclusion process (Coit, 2001; McAuslan, 2001; Kreibich, 2001; Leduka, 2001; Riley, 2001; Roberto and Soares, 2001). Almost the same argument could be found in Smart and Tang's research on illegal building in mainland China and Hong Kong (Smart and Tang, 2005). Smart and Tang (2005) claim that it is not easy to define "illegality", the concept of "illegality" is ambiguous, in many contexts, it is often an ex post facto political conclusion, rather than something that can be determined in advance.

3.2 Space, power and resistance: a conceptual framework

3.2.1 Illegal construction as the action of appropriating space

The literatures reviewed above are enlightening to this paper, but there are also some deficiencies. The first is about the perspective. Most of the literatures focus either on the quiescent phenomena (or events) of illegal construction or the macro social institutions having an impact on illegal activities, rather than on the real action of illegal construction. As a result, these studies let us know the institutional environment and the macro constraint mechanisms of illegal construction, but they don't tell us the micro generative mechanism and the logic of these illegal actions, in other words, these studies could not clarify the mechanisms and the logic that generate these illegal action in practice. Therefore, different from these studies, I will see illegal construction as the action of appropriating space. In this paper, I will not only explore related social institutions constrain the actors of illegal construction, but also explore the micro generative mechanism and logic that causes the illegal action occur. Only having known the generative mechanism and logic of illegal action, I think, can we understand this new phenomenon in a more rational way.

The second is about the conceptual framework. The conceptual framework proposed by Rakodi and Leduka (2002) has an important applied value. However, regarding China's illegal construction on the urban fringe, it needs some improvements, I think. Just as some studies have implied (Tang and Chung, 2002; Tang, 2005), it is difficult to apply western urban theory directly to explain China's urban phenomena in transitional period. In my opinion, two important aspects are neglected in Rakodi and Leduka's conceptual framework. That is the interest pattern and right condition the actor to be confronted with in a particular moment, and the construction of identity about it. This deficiency, in some sense, roots in Giddens' structuration theory.

According to Giddens (1984), people are not seen as passive as the rules and resources structure their day-to-day activity, indeed, they are seen as agents whose behaviour implements, reproduces and changes the rules and resources within which they operate. Thus, structure and agency could not be seen as two separate things, but as a duality in which each helps to construct the other (Goodwin, 1999). From Giddens, we know that actor has an active role in social interactions, however, he don't clearly inform us what generate this potential active role in a particular moment.

Drawing on Scott's theory of moral economy of the peasant, we know that poverty itself is not the real cause of the peasant's resistance, only when peasant's survival

ethics and social justice feel against, will they resist reckless (Scott, 1976). However, we could not find an explicit place of the construction of identity in Scott's theory of moral economy either. The impression given by Scott (1976) is that, peasant's feeling about survival ethics and social justice was almost formed naturally, not a result of the construction of identity of their own.

This deficiency, I think, could be filled up effectively by Castells' identity theory. Castells points out that, there are three kinds of identity: legitimizing identity, resistance identity and project identity. Identity for resistance may be the most important type of identity-building in our society, and it constructs forms of collective resistance against otherwise unbearable oppression (Castells, 1997: 9). Therefore, we can conclude that attentions should be paid to how the identity for resistance was constructed before the illegal construction really happened. At the same time, just as Tang (1997, 2000, 2005), Tang and Chung (2002), Smart and Tang (2005) and Lin and Ho (2005) have argued that if we had not paid heed to the workings of state power, we would not have properly understood the peasants' geographies of illegal construction, even any meaningful urban research in China. So, it is the state rather than the local authorities that our attention should be focused on.

3.2.2 Space, power and resistance: a conceptual framework for analysis

According to the above explanation, I propose a three-dimensional conceptual framework for analyzing the illegal construction on the urban fringe in China (Li, 2008). I will make some brief explanations to this conceptual framework (Figure. 2).

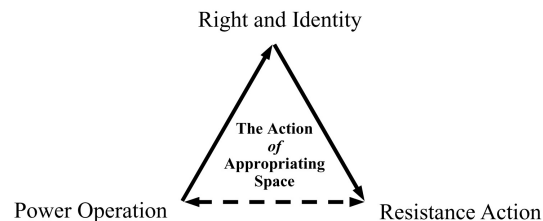


Figure 2. The conceptual framework for analysis

Source: Drawn by the author

1. Foucault argues that, power must be understood as a multiplicity of force relations that is produced from one moment to the next in all points and all relations, and resistance is intrinsic to all power relations--where there is power there is resistance (Foucault, 1978: 95). However, I think, Foucault's argument on the relationship between power and resistance is crude and only logically true. In reality, especially in China's situation, whether resistance action occurs does not necessarily depend on the operation of power, but on the actor's construction of identity about the result of power operation.

2. According to the theory of new institutional economics, the state is the most effective tools to protect individual rights on the one hand, and on the other hand, the state is also the largest and most dangerous aggressor to individual rights, that is the well-known "North Paradox" (North, 1981). The "North Paradox" uncovers the dualism of state. In China's practice, through establishing land requisition system,

collective-owned land system, and household registration system (*Hukou* system), the state power gradually penetrated onto the rural space. It is just during this process that the peasants' interests and rights have been gradually encroached. Illegal construction as the action of appropriating space, what causes this illegal action occurs is not the state power itself, but the actor's construction of resistance identity about the result of power operation, that's to say, about the condition of interests and rights encroaching. This is the micro generative mechanism and logic of illegal action, I think.

3. Drawing on Scott's theory of everyday peasant resistance (Scott, 1985), we could theorize illegal construction on the urban fringe in China as a kind of informal resistance. However, in a "totalism society" (Zou, 1994) like China, this kind of informal resistance will always need a "public transcript" to conceal the "hidden transcript" (Scott, 1990) , it is also in indeed in Nanjing's case.

3.2.3 Research method

This paper explores both the macro constraint mechanism facing with the actors of the illegal construction and the micro generative mechanism and logic of illegal action, in other words, what really causes the illegal action of appropriating space in practice. To explore the macro structural constraints, institutional analysis method will be used, at the same time, the method of field investigation and in-depth interview will be used to analysis the actor's construction of resistance identity in a particular interests and rights situation.

4 A case of Nanjing, China

Nanjing, located in the Yangtse delta, is not only the capital of the Jiangsu Province in China , but also one of the six ancient Chinese capitals in ancient times (Figure 3).

Nanjing covers an area of 6,597 km², with a total population of 5.95 million^①. It has jurisdiction over six districts (Xuanwu, Baixia, Jianye, Gulou, Qinhuai and Xiaguan), five suburban districts (Pukou, Luhe, Qixia, Yu Huatai and Jiangnin) and two counties (Lishui and Gaochun).

4.1 Urban sprawl in Nanjing: a brief survey

In the past three decades, Nanjing has experienced rapid , urbanization, and it has also brought about the phenomenon of urban sprawl (Figure 4). According to Zhang *et al* (2007), Nanjing's urban area increased 16,776 ha from its starting area 31,634 ha in 1984 to 48,410 ha in 1995 with a 1,525 ha yearly increase (4.82%). During the next two periods , all values were clearly higher than the previous annual increase: 2,470 ha yearly increase (5.10%) during 1995 -2000 and an annual increase of 4,804 ha yearly increase (7.91%) during 2000-2003 (Table 1).

^① From <http://www.nanjing.gov.cn>

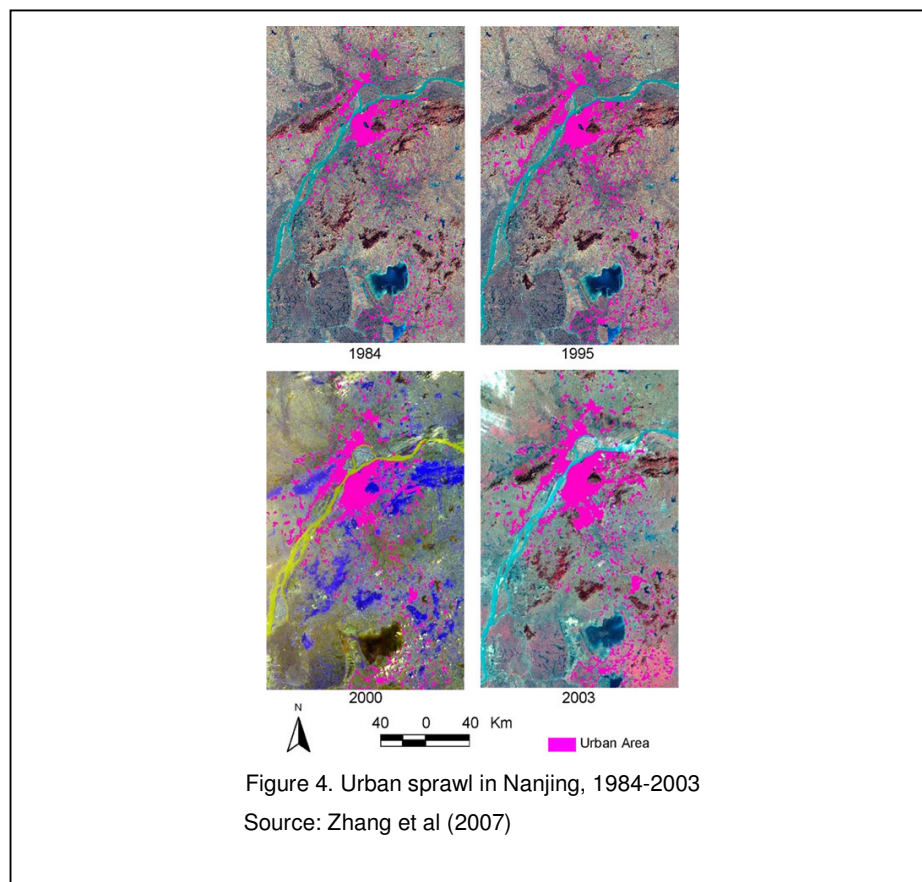
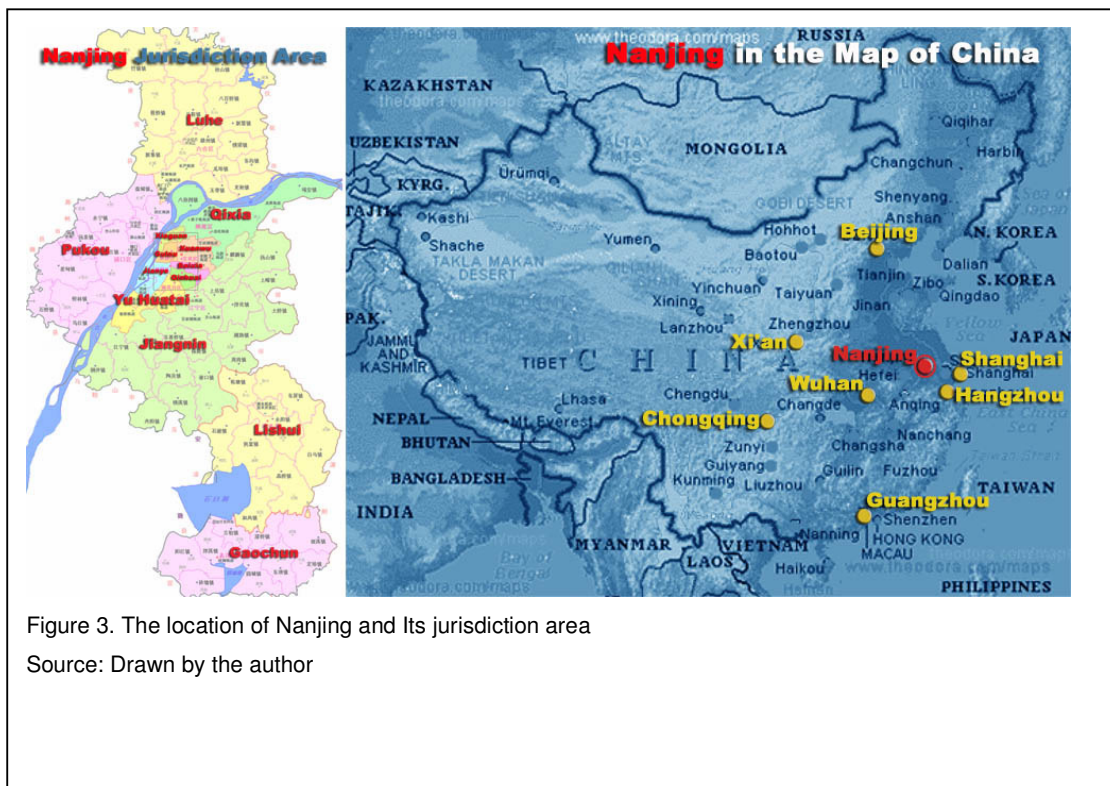


Table 1. The extended urban area of Nanjing city from 1984 to 2003 (ha)

Time	1984-1995	1995-2000	2000-2003
Starting area	31634.61	48410.93	60764.49
Extended area	16776.32	12353.56	14414.48
Increased area per year	1525.12	2470.71	4804.83
Yearly increase rate (%)	4.82	5.10	7.91

Source: Zhang et al (2007)

4.2 Illegal construction in Nanjing's urban villages

In Nanjing, there are 71 urban villages within the Ringway while in the south of the Yangzi River. These 71 urban villages in this area which covering an area of 243 km², are the research objects in this case study (Figure 5).^① These 71 urban villages located in Xuanwu, Baixia, Jianye, Gulou, Qinhuai and Xiaguan, Qixia and Yu Huatai these eight districts and suburban districts, involving 20 sub-districts (*jiedao*). These 71 urban villages occupying a total land area of 67.43 km², in which collectively owned land area 26,600 *mu* (17.7 km²), and gross floor space 6,804,805 m² (Table 2). The self-help housing and the "small property housing" to be surveyed are among these 71 urban villages.

Table 2. General characteristics of the 71 urban villages in Nanjing

District	Involving sub-districts	urban villages	Occupying land (km ²)	Collectively owned land(<i>mu</i>)			Gross floor space (m ²)
				Agricultural land	Construction land	Unused land	
Xuanwu	2	7	3.1	202.64	644.89	4.51	756260
Baixia	2	7	4.9876	547.04	636.18	34.94	640900
Qinhuai	1	6	3.541	1108.43	1627.5	57.37	997400
Jianye	4	17	17.407	380.36	1651.37	30.08	2601702
Gulou	1	1	2.74	46.99	241.88	18.66	160000
Xiaguan	2	2	3.178	999.26	435.81	83.12	98000
Qixia	4	23	28.2758	7069.35	6155.2	414.17	1055416
Yu Huatai	4	8	4.198	2202.77	3445.99	220.05	495127
Total	20	71	67.4274	12556.84	13187.32	862.9	6804805

Source: Nanjing Urban village renovation office (2006)

4.2.1 Self-helping housing

The total floor space of self-help housing in Nanjing's 71 urban villages amount to

^① Out of the Ringway or in the north of Yangzi River, there are also some urban villages. But they are not included in this case study.

590,507 m². Of which, Jianye district is the largest, having a total area of 188,992 m², accounting for 32%. Qixia district is the second, having a total area of 124,291 m², accounting for 21%. Slightly less than Qixia, Baixia district has a total area of 120,856 m², accounting for 20.1%. As for Xuanwu and Yu Huatai district, it respectively has a total area of 87,133 m² and 47,238 m², and accounting for 14.8% and 8%. Much less than others, Xiaguan district has a total area of 7400 m², accounting for 1.3%. However, Gulou district is the least, which only has a total area of 187 m², accounting for 0.4% (Table 3).

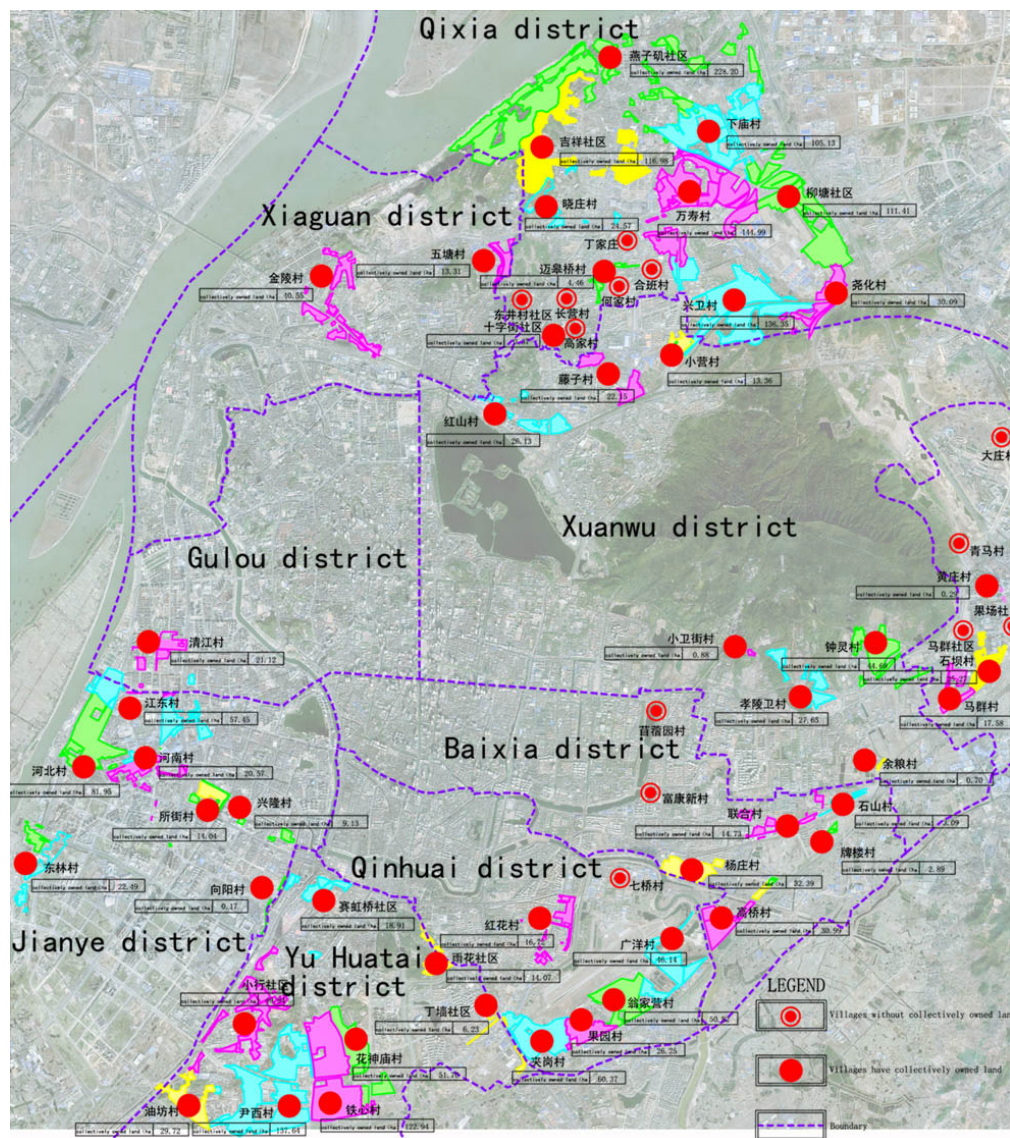


Figure 5. Urban villages within the Ringway while in the south of the Yangzi River in Nanjing

Source: Original data from Nanjing Urban village renovation office (2006), drawn by the author

Table 3. General characteristics of the self-help housing in Nanjing's eight districts

District	Sub-district	administrative villages under the jurisdiction of the Sub-districts	Illegal gross floor space of self-help housing (m ²)	Total (m ²)
Jianye	Shazhou	5	11,000	188,992
	Nanyuan	2	20,800	
	Shuangzha	5	85,445	
	Xinlong	5	80,617	
Xuanwu	Hongshan	3	87,133	87,133
	Xiaolingwei	4	—	
Qinhuai	Honghua	6	14,410	14,410
Xiaguan	Mufushan	1	7,400	7,400
	Baotaqiao	1	—	
Qixia	Maigaoqiao	10	13,600	124,291
	Yaohua	1	300	
	Maqun	7	10,490	
	Yanziji	5	113,501	
Baixia	Guanghualu	5	120,856	120,856
	Muxuyuan	2	—	
Gulou	Jiangdong	6	80	187
	Mochou	4	107	
Yu Huatai	Ninnan	3	19,738	47,238
	Xishanqiao	1	1,100	
	Tiexinqiao	2	9,400	
	Saihongqiao	2	17,000	
Total			590,507	

Source: Nanjing Urban village renovation office (2006)

4.2.2 “Small property housing”

In this case, the “small property housing” on Nanjing’s urban fringe mainly located in Qixia and Yu Huatai these two suburban districts. A total area of 1,240.95 *mu* collectively owned land has been illegally transferred, of which Yu Huatai district accounts for 42.3%, amount to 528.55 *mu*, and Qixia district accounts for 57.7%, amount to 712.4 *mu* (Table 4). The “small property housing” in Yu Huatai district was constructed mainly by real estate developers who used the collectively owned land transferred illegally by the villagers committee. However, different from Yu Huatai district, the “small property housing” in Qixia district was constructed partly by the villagers committee and its cooperation with the constructing contractor through occupying the collectively owned land illegally, and partly by real estate development companies which were set up by villagers committee themselves.

Seeing historically, the “small property housing” occurred in recent years also has a specific policy background. On September 8, 1994, the Ministry of Construction and other six ministries issued a document “Views on strengthening the construction of

small towns” ([1994] No. 564). The document points out that: “It is necessary to guide township enterprise to concentrate suitably in small towns, and make small towns become the centre of the region. And government at all levels must study the construction of small towns earnestly. Especially the people's government of various counties must do comprehensive analysis and comparisons, and make master planning to those was decided to have the priority of development”. Taking Nanjing for example, in 1995, Jiangsu Province started to carry out the activity of innovation of small town construction. On March 28, 1996, the Nanjing City Government issued a document “Notice on the implementation of strengthening the planning and construction of villages and towns in Nanjing” ([1996] No. 69). It was precisely this series of documents that had provided the institutional frame for the construction of small towns on the urban fringe in Nanjing. However, this series of small town construction policy finally turns into a good “public transcript” of some illegal construction in urban village. It is the unintended consequences of state practice, I think, just as Lin and Ho (2005) suggest.

Table 4. General characteristics of the “small property housing” in Qixia district and Yu Huatai district of Nanjing

District	Serial number	Transferor	Location of the illegal transferred land	Function of the land before transferred	Transferee	Date of transfer	Illegal transferred land area (mu)
Yu Huatai	1	Guxiong villagers committee of Banqiao Sub-district	Guxiong village in Banqiao Sub-district	barren land and pond	Nanjing Fenxiang real estate development company	2002.3	40
	2	Jinhua villagers committee of Banqiao Sub-district	Jinhua village in Banqiao Sub-district	barren mountain land	Nanjing Fenxiang real estate development company	2002.5	25
	3	Xinjian villagers committee of Banqiao Sub-district	Xinjian village in Banqiao Sub-district	enterprise land	Nanjing Fenxiang real estate development company	2002.2	9.5
	4	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	barren bottomland	Nanjing Xishanqiao real estate development company	2001	9.3
	5	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	barren bottomland	Nanjing Xishanqiao real estate development company	2001	19
	6	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	enterprise land	Nanjing Xishanqiao real estate	2002	4.5

					development company		
	7	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	abandoned land	Nanjing Xishanqiao real estate development company	2002	54.25
	8	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	farmer's market	Nanjing Xishanqiao real estate development company	2002	6
	9	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	barren mountain land	Nanjing Xishanqiao real estate development company	2002	80
	10	Youfang villagers committee of Xishanqiao Sub-district	Youfang village in Xishanqiao Sub-district	barren mountain land	Nanjing Xishanqiao real estate development company	2002	4
	11	Xishan villagers committee of Xishanqiao Sub-district	Xishan village in Xishanqiao Sub-district	collectively owned land	Nanjing Xishanqiao real estate development company	2002	0.75
	12	Xishan villagers committee of Xishanqiao Sub-district	Xishan village in Xishanqiao Sub-district	villager's housing	Nanjing Xishanqiao real estate development company	2002	57.25

	13	Xishan villagers committee of Xishanqiao Sub-district	Xishan village in Xishanqiao Sub-district	flood land	Nanjing Xishanqiao real estate development company	2002	14
	14	Yinxi villagers committee of Tiexinqiao Sub-district	Xiangxi village in Tiexinqiao Sub-district	mountain land	Tiexinqiao Sub-district	2001	36
	15	Yinxi villagers committee of Tiexinqiao Sub-district	Xiangxi village in Tiexinqiao Sub-district	mountain land	Nanjing Sanjiang college	2001	36
	16	Tiexin villagers committee of Tiexinqiao Sub-district	Tiexin village in Tiexinqiao Sub-district	mountain land	Nanjing Tiexin real estate development company	2001	55
	17	Tiexin villagers committee of Tiexinqiao Sub-district	Tiexin village in Tiexinqiao Sub-district	mountain land	Nanjing Tiexin real estate development company	2001	20
	18	Yinxi villagers committee of Tiexinqiao Sub-district	Xiangxi village in Tiexinqiao Sub-district	mountain land	Nanjing Tiexin real estate development company	2002	18
	19	Dingfang villagers committee of Tiexinqiao Sub-district	Dingfang village in Tiexinqiao Sub-district	partly housing, partly cultivated land	Nanjing Tiexin real estate development company	2002	40
Qixia	20	Wanshou villagers committee of Maigaoqiao Sub-district	Wanshou village in Maigaoqiao Sub-district	agricultural land, rural housing land	Individual purchase	2002.4	69.9
	21	Wanshou villagers committee of	Wanshou village in	agricultural	Individual purchase	2002.12	8

		Maigaoqiao Sub-district	Maigaoqiao Sub-district	land			
22		Wanshou villagers committee of Maigaoqiao Sub-district	Wanshou village in Maigaoqiao Sub-district	agricultural land、 rural housing land	Individual purchase	2002.8	120
23		Fendou villagers committee of Maigaoqiao Sub-district	Fendou village in Maigaoqiao Sub-district	agricultural land	Individual purchase	1999.1	15
24		Xingwei villagers committee of Maigaoqiao Sub-district	Xingwei village in Maigaoqiao Sub-district	agricultural land、 rural housing land	Individual purchase	1997.12	85
25		Xingwei villagers committee of Maigaoqiao Sub-district	Xingwei village in Maigaoqiao Sub-district	agricultural land、 rural housing land	Individual purchase	2003.2	150
26		Qixia sub-district office	Qixia village in Qixia sub-district	agricultural land	Individual purchase	1998	90
27		Qixia sub-district office	Qixia village in Qixia sub-district	agricultural land	Individual purchase	1998	47
28		Qixia villagers committee of Qixia sub-district	Qixia village in Qixia sub-district	agricultural land	Individual purchase	1998	1
29		Qixia villagers committee of Qixia sub-district	Qixia village in Qixia sub-district	agricultural land	Individual purchase	1998	1
30		Qixia villagers committee of Qixia sub-district	Qixia village in Qixia sub-district	agricultural land	Individual purchase	2002	0.5
31		Yaohua villagers committee of	Yaohua village in Yaohua	unused land	Individual purchase	1999	20

		Yaohua sub-district	sub-district				
	32	Longtan villagers committee of Longtan sub-district	Longtan village in Longtan sub-district	unused land	Individual purchase	1997	5
	33	Maqun sub-district office	Shizikan village in Maqun sub-district	agricultural land	Individual purchase	2000	3
	34	Maqun sub-district office	Qinma village in Maqun sub-district	agricultural land	Individual purchase	1997	19
	35	Maqun sub-district office	Shikan village in Maqun sub-district	agricultural land	Individual purchase	1998	23
	36	Baguazhou town government of Qixia district	Wuyi village in Baguazhou town	agricultural land	Individual purchase	1997	26
	37	Baguazhou town government of Qixia district	Wuyi village in Baguazhou town	agricultural land	Individual purchase	2002	29
Total							1240.95

Source: Partly from Nanjing Urban village renovation office (2006), partly from author's survey.

4.3 From deprivation of interest to poverty of right: the logic of landless peasants' action

During the rapid process of urbanization, a large number of collectively owned land on the urban fringe has been requisitioned by local governments, then urban villages formed gradually, and the self-help housing in urban villages also appearing along with it. Therefore, the study on the logic of the self-help housing can not but from the start of land requisition.

4.3.1 Deprivation of Interest in land requisition

Although land requisition is a common phenomenon in the world, the non-market characteristic land requisition compensation like China is actually rare. Therefore, land disputes between peasants and local governments focused on the amount of land compensation fees are very common in China. Compensation fees for land requisitioned include land compensation fees, resettlement fees and compensation for attachments to or green crops on the land (Table 5). According to *The Law of Land Administration of China* (revised and promulgated in 2004), "the combined total of land compensation fees and resettlement fees shall not exceed 30 times the average output value of the three years prior to the requisition" (Article 47). However, in the process of land requisition, the compensation fees to be paid are determined by the state rather than through negotiations with peasants. Thus, the calculation of land compensation is often much lower than the market price (Deng and Huang, 2004). Seeing from the Table 5 below we can know that, the compensation standards for land requisition in China are unfair, because the landless peasants are excluded from the distribution of the vastly increased land value that results from agricultural land conversion.

Table 5. The compensation standards for land requisition in China (unit: *yuan*)

Standards	Compensation standards according to <i>TLLAC</i>		The maximum compensation fee according to <i>TLLAC</i>		The maximum of [(1) +(2)]	
	Promulgated in 1986	Revised in 2004	Promulgated in 1986	Revised in 2004	Promulgated in 1986	Revised in 1998
(1) Land compensation fees	3P~6P	6P~10P	—	—	≤15P	≤30P
(2) Resettlement fees	2P~3P	4P~6P	≤10P	≤15P		
(3) Compensation for attachments to or green crops on the land	according to the standards determined by various provinces, autonomous regions and municipalities					

Note : 1. TLLAC: The Law of Land Administration of China (first Promulgated in 1986).

2. P: the average output value of the three years preceding the requisition of the

cultivated land.

According to Zhou's sampling comparison of the average cost of land requisition and the income of land lease after requisition in Nanjing urban-rural fringes (Zhou, 2005), we could find out that most of the increased land value, resulting from the land conversion, is seized by the local government, and the low compensation for landless peasants often makes them unable to obtain even the basic right to living (Table 6). No wonder Ho (2003) will question that it is land theft or land requisition?

Table 6. Sampling comparison of the average cost of land requisition with the income of land lease after requisition in Nanjing Urban-rural fringes (Unit: 10,000 yuan/mu).

Sampling area	Average cost of land requisition	Average income of land lease	Ratio
Five suburban districts (Pukou, Luhe, Qixia, Yu Huatai and Jiangnin)	2	20	1:10
Urban-rural fringe	6	100	1:16
Hexi new town area	6	200	1:33

Source: Zhou (2005: 44)

4.3.2 The poverty of rural land property right

However, what is the cause of deprivation of peasant's interests in land requisition? Can we solve this problem fundamentally only through enhancing compensation standards? The problem is not so simple, I think. Deprivation of peasant's interests in land requisition is just the superficial phenomena, its root lies in the "poverty of rights" (Hong, 2004), in other words, poverty of rural land property right.

The poverty of rural land property right means that peasants do not have full rights (possess, use, benefit from, and dispose of) over the rural land. As scholars have pointed out, the institutional reason of the poverty of rural land property right, mainly lies in the ambiguity (or the diversity) of "collective ownership" (Zhou, 1995). Theoretically, rural land is collectively owned, but it is confusing about what "collective ownership" really means. For decades, collectives have made land use decisions in rural areas and often believed they had the rights to dispose of the land when in fact they did not. Peasants may also believe they have full rights over the land they have contracted for, but, legally, their use rights and related benefits are very limited (Ho, 2003). "Collective ownership" is a vague, abstract and invisible concept with no legal personality, which is neither the peasants' collective organization, nor the legal person or natural person. Therefore, different laws often have different explanations to it. The crucial point here is that The National People's Congress (The highest legislative body of China) has not clarified what is the nature of collective ownership. This has incurred a lot of criticism. For example, Ho (2003) points out sharply that this kind of ownership is the deliberate institutional ambiguity, for through which the local and central state could create ample opportunity for the trampling of villagers' and collectives' legitimate land rights. Drawing

on insights from Foucault's concept of governmentality (Foucault, 1991), I think, the ambiguity rural land property right could be seen as a kind of spatial governmentality of the Chinese state.

4.3.3 The power of resistance identity

Be faced with the deprivation of interest in land requisition and its underlying poverty of right, how does the peasant suppose to react? During the field investigation on most of the urban villages in Nanjing, I find out that, although landless peasants are disadvantaged groups, they have an explicit perception and judgement about their deprivation of interest in land requisition. Some related research has also drawn the similar conclusion. For example, according to a survey by The Agriculture Investigation Team of Zhejiang Province, although the economy of Zhejiang Province is relatively developed and the compensation standards to landless peasant is slightly higher than the national average level, however, the investigation shows that only 6.8% landless peasant express satisfaction regarding this, some 22% landless peasant think the compensation standards extremely low, and 53.2% landless peasant think somewhat low. Zhejiang Province still so, other places can be imagined. At the same time, my investigation also finds out that, the landless peasants in urban villages also have a good legal knowledge of the land management laws and regulations. In my opinion, unfamiliar with land management laws and regulations could not be a good explanation to some of the illegal land conversion and transaction in villages, as Lin and Ho (2005) claims.

Here, an important question is, we should pay attention to the politics of identity about the deprivation of interest. Identity, especially resistance identity, has an extremely formidable power, as Castells (1997) points out. In practice, the ways to express landless peasants' resistance identity are diverse, and often quite especial. For example, in Jiangnin district, a suburban district of Nanjing, a number of landless peasants in urban villages think that their land compensation fee is much lower than the standards they can accept, therefore, "they resist to take the land compensation fee" (Table. 7), this is precisely one especial way to express their resistance identity about the deprivation of interest in land requisition. It is the construction of resistance identity similar to this, which directly generates landless peasants' action of appropriating space in practice.

Table 7. An investigation on why landless peasants in urban villages resist taking the land compensation fee in Jiangnin district in Nanjing

Serial number	Name of land acquisition project	Year	Town (Sub-district), village and team	Compensation fees should be paid (unit: 10,000 <i>yuan</i>)	Why landless peasants resist taking the land compensation fee?

1	Tangtong road	2000	Lulang village in Jiangnin town, Shuanghu village and Gonghe village in Tongjin town	184.5	compensation fee is much lower than the standards they can accept
2	Nanjing Yingmeida Co., Ltd.	2001	Gaozhuang settlement in Shangfeng town	52.5	Ibid.
3	Huarui Group	2002	Shuige village in Baijiahu sub-district	168	Ibid.
4	Jiangsu Huimintang medicine Co., Ltd.	2002	Chitian village in Baijiahu sub-district	192	Ibid.
5	Nanjing national tourism Stock Co., Ltd.	2002	Sizhuang settlement in Tangshan town	117	Ibid.
6	Nanjing Jianfang Industry Co., Ltd.	2002	Shangfang village in Shangfang town	84	Ibid.
7	Dongpei Logistics Co., Ltd.	2002	Longxi village in Dongshan town	52.5	Ibid.
8	Nanjing Yongnin Building Materials Company	2002	Shangfang village in Shangfang town	57	Ibid.
9	Jiangcheng real estate	2002	Zhuang village in Dongshan sub-district	310.5	Ibid.
10	Ganquanhu Project	2002	Gan village in Taowu town	30	Ibid.
11	Jinlin gold foil Co., Ltd.	2002	Qiaotou village in Fangshan sub-district	99	Ibid.
12	Nanjing spaceflight technology Co., Ltd.	2002	Chengshan, Gaoshan and Hengling settlement in Fangshan sub-district	94.5	Ibid.

13	—	2002	Qunli village in Lukou town	165	Ibid.
14	Nanjing Dexiang Industry Company	2002	Changshan and Qilin in Baijiahu sub-district	54	Ibid.
Total				1660.5	

Source: Nanjing Urban village renovation office (2006)

4.4 The pressurized administration system and the financial dilemma: the logic of villagers committee' action

To make sense of the “small property housing”, we must understand the rural grassroots administration system and the villagers' self-governance functions first. It is essential whether to survey the macro structural constraint mechanism, or to inspect the micro generative mechanism and the logic of illegal action.

4.4.1 The alienation of villagers' self-governance function under the pressurized administration system

According to the *Organic Law for Village Committees of the P.R.C* (trial, promulgated in 1987), “The people's government of a township, a nationality township or a town shall guide, support and help the villagers committees in their work, but may not interfere with the affairs that lawfully fall within the scope of the villagers self-governance. The villagers committees, on their part, shall assist the said people's government in its work” (Article 4). From then on, we had thought that the relationship between the villagers committee and the township government should be changed from the traditional mode of “ordering-obeying”, to the new mode of “directing-coordinating”. However, it doesn't work as we had expected in practice.

Rong and Cui (1998: 28) introduce the concept of the “pressurized administration system” (*yalixin xingzheng tizhi*) to describe the reality of administration system in the countryside, which means that, in order to achieve the economic development goals and complete all the targets issued by the higher authorities, a political organization in China often adopts the materialized appraisal system and a way of management by decomposing the tasks mathematically. In this circumstance, the villagers committees is still heavily dependent on the township government, which results in the gradually alienation of its self-governance function. Obviously, this is the continuing of the planned economic management system in Mao Period, in other words, the continuing intervention of the state, as Tang (1997, 2000, 2005) points out. The essence of the “pressurized administration system” implemented in rural grassroots is to change the relationship between the township government and the villages committee from the guidance and assistance back into the state of administrative control.

At the same time, the laws neither stipulate explicitly what is the content of “guide, support and help”, nor make any explanations to the forms of “assist”. This makes it become a vague concept, therefore, in practice, there are often many different

interpretations to “guide, support and help and assist”. So, under the influence of the “pressurized administration system”, villages committee’ self-governance function in practice has to carry on an economic development-oriented transformation.

4.4.2 The financial dilemma of villagers committee since the fiscal decentralization reform in 1994

Apart from the alienation of villagers’ self-governance function under the pressurized administration system, the villages committee is also faced with the serious financial dilemma since fiscal decentralization reform in 1994. This further intensifies the structural constraints to the villages committee.

In the early 1990s, due to the proportion of central fiscal revenue accounting for the entire fiscal revenue declined rapidly, therefore, in 1994, the central government carried on the fiscal decentralization reform attempting to change this dilemma. Effectively, the fiscal decentralization reform quickly reversed the proportion of central and local fiscal revenue, and the central fiscal revenue was strengthened, while the local grassroots financial capacity was seriously weakened. The Table 8 below shows that the township experiences a financial deficit for the first time in 1994, even in 1996 it having surplus, but the average balance has been far below the level before 1994. The weakening of township financial ability directly affects the financial condition of the villages’ committee.

Table 8. The township financial revenue and expenditure in China, 1991-1997 (Unit: 10,000 Yuan).

Year	Financial revenue	Financial expenditure	Balance (revenue minus expenditure)	Average balance
1991	3985892	2907773	1078119	19.41
1992	4718884	3497840	1221044	25.31
1993	6470532	4606597	1863935	38.69
1994	4964983	5677267	-714284	-14.82
1995	6947115	7091378	-144263	-3.06
1996	8020392	7956299	64093	1.41
1997	9802523	9654969	147554	3.30

Source: Zhu (2001: 83).

However, what about the township financial condition on Nanjing’s urban fringe? Taking township in Qixia district of Nanjing as an example, the fiscal decentralization reform has an obvious impact on township financial balance (Table 9). Before 1994, the township financial balance in Qixia district had rather surplus, which was more than half of the financial revenue. However, after 1994, the township experienced a serious financial deficit which lasting for three years. From 1997 on, the township finance again has a little surplus, but it simply can not compare with that of before the fiscal

decentralization reform. Compare Table 9 with Table 8, we could find out that the township financial condition on Nanjing's urban fringe is similar to that of the national condition. Under the influence of the "pressurized administration system", the township financial difficulties will directly result in the increasingly serious financial dilemma of villages committee.

Table 9. The township financial revenue and expenditure in Qixia district of Nanjing, 1991-1999 (Unit: 10,000 *Yuan*).

Year	Financial revenue	Financial expenditure	Balance (revenue minus expenditure)
1991	2781	1040	1741
1992	2423	1161	1262
1993	3194	1265	1929
1994	1694	2291	-597
1995	1677	2077	-400
1996	2814	3056	-242
1997	3710	3412	298
1998	4575	4310	265
1999	5669	4841	828

Source: The editors' committee of Nanjing Qixia District chorography (2002).

4.4.3 The power of resistance identity

Facing the pressurized administration system and the financial dilemma, how does the villagers committee suppose to react, then? To inquire the generative mechanism and the real logic of the illegal action of the "small property housing" in Nanjing, I will take Xingwei village in Maigaoqiao Sub-district of Qixia district as a typical case, and carry out an in-depth interview with the deputy secretary (Mrs. Wang) of Xingwei village, in order to explore the "hidden transcript" of this kind of illegal construction.

Xingwei village in Nanjing is notorious, which not only because it is the earliest "small property housing" (occurred in 1997), but also because it is the largest real estate development project on collectively owned land (235 μ land was illegal transferred) (see Table 4 gray area). Moreover, this illegal project was a plan completed by the secretary of the villagers committee (Mr. Gao). The in-depth interview is open-ended and discovery-oriented, and the issues interviewed involving the motivation of their illegal action, villagers committee' financial condition and their attitude or accounts for their action (Table 10).

Table 10. The in-depth interview with the deputy secretary (Mrs. Wang) of Xingwei village about the "small property housing"

The author:	When does secretary Gao take office?

Mrs. Wang:	In 1990, he worked in Wanshou village (next to Xingwei village) in 1980s. Why do you ask about his resume?
The author:	Oh, I would like to know when a person (referring to secretary Gao) on a specific administrative position, he will have what kind of professional way of thinking ?
Mrs. Wang:	He often said: "I am the secretary in the village, and I should be for the benefit of the people."
The author:	Oh, the secretary may be on the side of ordinary people, then.
Mrs. Wang:	Actually, it is quite sad to talk about it. In 1990, when secretary Gao took office here, Xingwei village was abject poverty. All the township enterprises bankrupted, and our village arrearred more than 20 million. You know, at that time, 20 million means what! Our bank account was sealed. And the only car, a friend of secretary Gao sent it to us, was also seized. What a terrible time! We were utterly isolated then and could not do anything. It's very very difficult period! However, secretary Gao is clever and economic-minded. In 1993, he sold a prefabricated factory of our village to overcome the difficulties.
The author:	As far as I know, secretary Gao is also a well-known figure in Qixia district.
Mrs. Wang:	Though famous, he is only a "little" secretary, he often said: "I am not suitable for higher officials."
The author:	Actually, I have had a mind before I come here. I guess secretary Gao would like to pay more attention to his people than to his upper governments.
Mrs. Wang:	Easy to understand it! The upper leaders changed session by session, our village's leader team also has some adjustments. However, to the people, they are always the people. The secretary always warns us that, as a cadre we should be for the benefit of the people. You could investigate the living conditions of the people in our village, and ask them what they think about now. Xingwei village may be the "big tree strokes wind"!
The author:	How do you think about the relationship between your village and the Nanjing municipal government?
Mrs. Wang:	We are too vulnerable, a decision or even a word from the Nanjing municipal government may make us be dead!
The author:	Is it fair?
Mrs. Wang:	It is not the question of fair or unfair, maybe it is the question of history. Why ever to design two divided property: state-owned land and collective-owned land? Is it right? Qixia district is also a district of Nanjing, why bother to have such collective-owned land? This is something like a big bowl and a small bowl. Why has so much difference between these two kinds of property? If no difference between them, then, there is not

	any problem about the “small property housing” at all. Yeh? We are all peasants, I am also a peasant, and we are all living on the peasants’ collective land. What we have done is the only matters in our power. Xingwei village has not any commercial facilities, but there are so many people need to make a living, what can we do, then? At the same time, all peasants’ pension expenditures are undertaken by the village now, that’s to say, we have to solve it by our own, because the upper government (Maigaoqiao Sub-district) do not have any appropriate funds either. So, We try to find solutions to solve this difficulty. Then, using some hillside land (or bottomland land) to build some housing for accommodation and for sale, it is the possible way to solving these difficulties. Moreover, coincidentally, this also conforms to the policy of small town construction.
The author:	If say so, there seems no alternative way? Yeh?
Mrs. Wang:	You do not know what a horrible time the bank dunned everyday then. How Xingwei Village could survival in this situation? Our location is so remote, what can we make or produce? We are not in the downtown, and, if so, only to build some commercial facilities on both sides of the road for hiring is good. And, there is also no need to build these “small property housing”, hence, there is no such a notorious image of our Xingwei Village, of the “small property housing”. However, how could be possible to build commercial facilities on such a remote and poverty place? Who will come here? No one!

Source: Excerpt from the tape of in-depth interview on 11/5/2006.

Through a series of in-depth interviews, I find out that financial dilemma is indeed an extremely important structural constraint to villagers committee in transitional China. Although some leaders of villagers committee think that, villagers committee is an extremely marginal and often neglected organization, which seems to be completely in a passive position in the state’s political structure. However, as to the interest relationship between the villagers committee and the higher-level government, all the interviewee has expressed the potential emotion of dissatisfied, embarrassed and helpless. In my opinion, this is precisely a rational actor’s construction of resistance identity about the deprivation of interests and related rights. At the same time, under the influence of the “pressurized administration system”, the villagers committee also has some sense of administrative function. Therefore, they could not (or dare not) express this resistance identity overtly. Just as Mrs. Wang repeatedly questioned that, “why the land of the state was divided into two properties: state-owned land and collective-owned land? Without enterprise, commercial business and financial supports, how could we survival in such a dilemma?” This is the voice of the weak full of desperation about the exclusion and suppressing of their spatial development rights. It is during this process that the resistance identity is constructed, which generates the action of appropriating collective-owned land for real estate development. It is the micro logic of the illegal

action of the “small property housing”.

5 Conclusions and recommendations for further research

Illegal construction on the urban fringe is not only an urgent issue needs to be resolved, but also a question worthy of deeply reflection. Based on the literature review, and integrating Foucault's power theory, Castells' identity theory and Scott's informal resistance theory, I propose a three-dimensional conceptual framework to analyze the macro constraint mechanism and the micro generative mechanism and logic of the illegal construction on the urban fringe in China. To sum up, we might draw the following conclusions:

(1) To the self-help housing, the landless peasant is faced with the deprivation of interests in land requisition. However, the deprivation of interest is just the superficial phenomena, its root lies in the poverty of rural land property right, which is the underlying structural constraint. This paper also finds out that, although landless peasants are disadvantaged groups, they have an explicit perception and judgement about their deprivation of interest in land requisition. In reality, the way to express their resistance identity is often quite amazing. Some landless peasants in urban villages in Jiangnin district resist taking the land compensation fee for it is much lower than the standards they can accept! It is the construction of resistance identity similar to it that directly generates landless peasants' illegal action of appropriating space in practice.

(2) To the “small property housing”, the villagers committee is faced with two interwoven structural constraints. One is the alienation of villagers' self-governance function under the pressurized administration system, and the other is the financial dilemma since the fiscal decentralization reform in 1994. In such circumstances, the villagers committee's self-governance function has to carry on an economic development-oriented transformation, and in result, it also has some sense of administrative function. Therefore, the villagers committee's construction of resistance identity about the deprivation of interests and its underlying poverty of rights could not be an open process, not to mention expressing it overtly like landless peasants. That is the reason why the “small property housing” often has many “public transcripts”, such as small town construction, old village renovation, village center construction, to conceal their “hidden transcript”.

In the end, there are two recommendations for further research on this subject. The first is about the governance of illegal construction in urban villages. According to the conceptual framework I proposed, two aspects are crucial to the good governance of illegal construction: one is to check the state power by law, I think, and the other is to protect the legitimate rights, especially rural land development right. The second recommendation is about the epistemology of planning in the face of informality. In transitional China, illegal construction on the urban fringe is a very common phenomenon. And it has caused some negative effect on urban sustainable development. For example, because of the land on the urban fringe has been occupied by these illegal constructions, urban planning on these areas is often in a dilemma. No land to regulate, it seems no use of urban planning. Why planning at the rural-urban fringe became “unplannable”, then? What kind of planning epistemology should we have when planning is confronted with informality? These questions are worth

reconsidering, I think.

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