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In the Name of the State: Interactions between local administrators and citizens

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Interactions Between *Chengguan* and Street Vendors in Beijing

How the unpopularity of an administration affects relations with the public

EMMANUEL CARON

ABSTRACT: Despite the existence of an administration – the *chengguan* – one of whose main roles is to control illegal street vendors, the latter are still very numerous in Beijing. This paradox can be partly explained by a form of tolerance on the part of the *chengguan* in response to the public resistance to their actions, which is linked to the conflictive nature of their relationship with the street vendors. This tolerance appears to be erratic, but is actually based on recurrent distinctions made by this administration. However, the informal, revocable, and ultimately unpredictable character of the control exercised by the *chengguan* has resulted in a continuation of the conflictive nature of their interactions with street vendors.

KEYWORDS: *chengguan*, street vendors, interactions, control techniques, informal practices.

In many countries, municipal authorities fight to keep urban public spaces clear of street vendors,⁽¹⁾ whose presence is often considered undesirable. The same applies in China, where, with the exception of a few rare locations where trading is legal, the overwhelming majority of street vendors are illegal and are faced with an administration devoted to controlling them: the *chengguan*.⁽²⁾ Chinese newspapers regularly report clashes between *chengguan* and street vendors in which control takes a violent or even tragic turn,⁽³⁾ sometimes even leading to rioting.⁽⁴⁾ Despite their recurring nature, these confrontations need to be considered within the context of the many forms of interaction that can be observed between these agents of the state and the people they are responsible for controlling. For example, it is common to see *chengguan* simply making their presence known to street vendors and allowing them time to leave the area without trying to fine them. How can forms of tolerance such as this be explained when some controls are strict, aim to impose a fine, and may degenerate into an outbreak of violence? It should first be noted that this difference illustrates the discretionary power of the *chengguan*, which is typical of all state employees who directly interact with the citizens in their jurisdiction. In his work on agencies of this type, which he terms "street level bureaucracies," Michael Lipsky considers that these state employees are the real policy makers because of their great discretionary power.⁽⁵⁾ Therefore, the policy that is effectively applied is decided on an individual level, playing out in the direct relations between the administrators and the administered. The exercising of this discretionary power should not be seen as a form of inconsistency or as random behaviour on the part of these state employees. On the contrary, the differential treatment of a person⁽⁶⁾ or situation is more often than not the result of systematic categorisation, implemented on the basis of either methods instituted during the training of agents of the state or informal practices developed and shared by the members of this administration over the course of their shared experience on the ground. As Van Maanen has written, even though they are informal, these "pervasive rules [...] lie close

enough to the surface such that they can be made visible."⁽⁷⁾ In this article, I will attempt, through direct observation of daily interactions between street vendors and *chengguan*, to grasp the bases of the various forms of interaction used as official and unofficial methods by the representatives of this administration. I will attempt to demonstrate that the observed practices are directly linked to the context of unpopularity of this administration, but that their very fluidity makes them unpredictable for the people being controlled and accentuates the conflictive situations inherent in the interactions between the two groups.

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1. Examples of these conflicts can be found in Hong Kong (Josephine Smart, *The Political Economy of Street Hawkers in Hong Kong*, Hong Kong, Centre of Asian Studies, 1989), India, Thailand, etc. (Sharit K. Bhowmik, "Street Vendors in Asia: A Review," *Economic and Political Weekly*, Vol. 40, No. 22/23, 2005, pp. 2256-2264.)
2. The word "*chengguan*" is a contracted version of "*chengshi guanli zonghe xingzheng zhifa ju*," which refers to this administration at the municipal level and which can be roughly translated as "City Urban Administrative and Law Enforcement Bureau." The word *chengguan* will be used in this article in its vernacular meaning, i.e., to refer both to the administration in general and to its members.
3. For a general picture of the media coverage given to these violent episodes, refer to the appendix of the following document produced by a non-governmental organisation, which gives a list of newspaper articles for the period July 2010 to March 2012: Human Rights Watch, "Beat Him, Take Everything Away": Abuses by China's *Chengguan* Para-Police, 23 May 2012.
4. "Weishenme minyi dui chengguan diyi hua?" (Why is opinion becoming hostile to the *chengguan*?), *Dongfang zaobao* (Oriental Morning Post), 29 March 2010.
5. Michael Lipsky, *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*, Russell Sage foundation, New York, 1980, p. 13.
6. By distinguishing between people, discretionary power leads to situations that can be considered arbitrary because it calls into question the principle of equality before the law. However, in this article I will not tackle the legal or moral implications of the distinctions implemented by the *chengguan*. Similarly, the "gratuitous acts of violence" committed by the *chengguan* will only be taken into account in terms of their importance to the public resistance to this administration.
7. John Van Maanen, "The Asshole," in Peter K. Manning and John Van Maanen (eds.), *Policing: A View from The Street*, New York, Random House, 1978, p. 237.

Confiscation of a freight tricycle next to Wudaokou, September 2009 © Emmanuel Caron

I will base my analysis essentially on qualitative data gathered over the course of two months of field work from February to the end of March 2010⁽⁸⁾ on two main sites in the Haidian district of Beijing. The first is the area focused around Wudaokou metro station, which is close to Tsinghua University and Beijing Language and Culture University. It is a modern neighbourhood consisting of buildings constructed at the start of the 2000s. It has two large shopping centres and leisure facilities – karaoke establishments, bars, and cafes – aimed at the student population. Despite being geographically nearby, just one kilometre to the north, the second site, in the urban village (*chengzhongcun*) of Bajia, contrasts sharply with the first. It is an area of low buildings and was the scene of a study carried out between 1993 and 1995 into the process of social differentiation of migrants from Henan Province who specialised in rubbish collection.⁽⁹⁾ In 2010,⁽¹⁰⁾ despite a number of demolition campaigns that had cut the village off from the majority of its northern area (Hou Bajia) and its southernmost area (Qian Bajia), the specialisation of a section of the inhabitants in rubbish collection could still be seen in the flurry of freight tricycles (*sanlun che*) ferrying heaps of scrap iron, cardboard, and aluminium sold by weight. In addition, many inhabitants became street vendors, the specialisation of more direct interest to us. Therefore, along the whole length of the road running next to the village, there are around a hundred vendors with their freight tricycles, a small van (*mianbao che*), or a stall set on the ground (*ditan*), selling vegetables, fruit, clothes, and all kinds of food to be eaten on the spot or taken away. Even though the two sites are set geographically apart, they are linked by the fact that most of the vendors operating in the Wudaokou area lived in this village. On both these sites and their surrounding areas, I alternated between periods of “pure observation”⁽¹¹⁾ and periods of participant observation, the aim of which was to carry out informal interviews. As I did not have an official introduction to the *chengguan*, they proved difficult to approach and I focused my efforts on the street vendors. A total of 59 interviews were carried out, mainly with street vendors, but also with three members of the *chengguan*.⁽¹²⁾ The first street vendors I interviewed were very reluctant to discuss their relationship with the *chengguan*. I therefore used the field method described by Thomas Gold as “guerrilla interviewing,”⁽¹³⁾ which involves conducting informal discussions in order to carry out interviews. Buying goods often served as a pretext for initiating such exchanges. Visibly being a foreigner played a particularly positive role here, because it aroused the curiosity of the people I was speaking to, and this made it easier to start a conversation. This initial contact en-

Street vendors at the entrance of Bajia village, March 2010 © Emmanuel Caron

abled me to gradually establish privileged relationships with a few vendors. The daily repetition of conversations with these informants enabled me to collect information about their geographical and social origins, their sales techniques, and their relations with the *chengguan*. I was thus able to familiarise myself with the vocabulary used by street vendors when they discuss the *chengguan*, which in turn made it possible to approach this question more directly with the other people I spoke to. I was present on several occasions when the *chengguan* “showed up” (*zhuan*), and could therefore directly witness face-to-face interactions between them and the street vendors. The interviews conducted with street vendors also made it possible to diversify the data gathered on this subject by reconstructing past interactions experienced individually by the street vendors and therefore perceived from their point of view. In addition to the information obtained from the *chengguan* I questioned, there proved to be a wealth of primary sources concerning this administration. The websites of the local *chengguan* divisions are full of both internal reports on the difficulties encountered by the *chengguan* and regular updates on their activities.⁽¹⁴⁾ In addition to this information, a practices manual for the *chengguan*⁽¹⁵⁾ of Beijing was published in 2006 and was used as training material. It was especially valuable for understanding the official aspects of the distinctions implemented by these state employees.

8. This fieldwork was carried out as part of a Master's dissertation. Emmanuel Caron, *Le contrôle social au niveau local: le cas des chengguan et des vendeurs de rue à Pékin* (Social control at the local level: The case of the *chengguan* and street vendors in Beijing), Sciences Po Paris, Master de recherche en politique comparée (research masters in comparative politics), 2010.
9. Jean-Philippe Béja, Michel Bonnin, Feng Xiaoshuang, and Tang Can, “How Social Strata Come to be Formed: Social Differentiation Among the Migrant Peasants of Henan Village in Peking (Part 1),” *China Perspectives*, No. 23, May-June 1999, pp. 29-41 and Jean-Philippe Béja, Michel Bonnin, Feng Xiaoshuang, and Tang Can, “How Social Strata Come to be Formed: Social Differentiation Among the Migrant Peasants of Henan Village in Beijing (Part 2),” *China Perspectives*, No. 24, July-August 1999, pp. 44-54.
10. The gradual destruction of the village had already started, and was completed at the end of the same year. Website of the Dongsheng district, http://dongsheng.bjhd.gov.cn/dsgk/dmyl/201107/t20110726_320269.htm (consulted on 2 January 2013).
11. Henri Peretz, *Les méthodes en sociologie: l'observation*, Paris, La découverte, 2004.
12. Two were assistant *chengguan* and one was a *chengguan* supervisor (*chengguan jianduyuan*).
13. Thomas B. Gold, “Guerrilla interviewing among the getihu,” in Perry Link, Richard Madsen, and Paul G. Pickowicz, (eds.), *Unofficial China: Popular Culture and Thought in the People's Republic*, Boulder, Westview Press, 1989, pp. 175-192.
14. The website of the *chengguan* of Beijing's Haidian District can be found at <http://hd.bjcg.gov.cn/> (referred to on 23 January 2013).
15. Beijingshi chengshi guanli zonghe xingzheng ju (Beijing Chengguan Bureau), *Chengguan zhifa caozuo shi wu* (Law implementation practices for *chengguan*), Guojia xingzheng xueyuan chubanshe (National School of Administration Press), 2006.

The *chengguan* administration has been undergoing changes ever since it was created, and has been subject to a continual and sustained series of reforms⁽¹⁶⁾ that has shown no signs of slowing since the field work was completed. For the purpose of clarity, this article will be based solely on the administrative structure and practices as observed in 2010. Moreover, as length restrictions prevent an exhaustive description of the *chengguan* administration or a full ethnography of the street vendors of Beijing, I will restrict myself to the elements necessary for an understanding of the interactions between street vendors and *chengguan*. Both groups have only been touched upon lightly in scientific literature in European languages concerning mainland China;⁽¹⁷⁾ therefore, using the existing Chinese-language literature, I will devote the first part to a chronology of relations between these two groups before turning to the forms of interaction and their context.

The chengguan: A response to the difficulties of controlling street vendors

Controlling street vendors before the creation of the chengguan

When the People's Republic of China was founded in 1949, the street vendors, of whom there were vast numbers,⁽¹⁸⁾ were gradually forced to integrate into the planned economy system.⁽¹⁹⁾ Indeed, their means of production are often portrayed in texts from this period as "backward" (*luohou*) and non-compliant with the planned economy; they were also suspected of having been influenced in a negative way by their contact with capitalism.⁽²⁰⁾ They did not reappear in cities until after the reforms at the end of the 1970s, which led to the creation of new population groups: migrant workers (*mingong*) and workers made redundant by state companies (*xiagang*).⁽²¹⁾ In addition to these groups are old people who, in the words of one *chengguan* manual, have "neither a *danwei* (work unit), nor social protection, nor descendants."⁽²²⁾ Finally, many peasants make day trips to the city to sell their products, a fact that has been reported in Beijing since 1979.⁽²³⁾ As another *chengguan* administrative document states, "The majority of the vendors the *chengguan* are dealing with are *xiagang* and migrants."⁽²⁴⁾ Indeed, apart from several peasants from the outskirts of Beijing who had made the journey in a horse-drawn cart to sell vegetables in the city, and one *xiagang* vendor, all the street vendors I interviewed over the course of the study were migrants who had come from a scattering of different provinces. It would be incorrect to assume that all street vendors engage in this activity purely because they are unable to find other forms of employment. Street vendors enjoy a high level of mobility in both directions: employees may decide to become street vendors for economic reasons, and street vendors may choose to abandon this line of work to pursue salaried employment. These observations echo the conclusions of McGee about Hong Kong in the 1970s, when 77 percent of respondents had been employed in the industrial and service sectors before becoming street vendors, using their savings to set up their businesses.⁽²⁵⁾ It can be seen that in order to be a street vendor, a minimum amount of capital is effectively required to buy goods for resale and a means of transport – more often than not a freight tricycle – or even raw materials and the tools with which to transform them. To take up the distinction made by Li Peilin, this capital, added to the fact that they are working for themselves, immediately sets them apart from those "labourers who possess nothing other than their labour power."⁽²⁶⁾ Moreover, if successful, this investment offers the possibility of rising social mobility within the street vendor pro-

fession similar to that described for rubbish collectors.⁽²⁷⁾ Therefore, investing in the purchase of a larger means of transport is portrayed as a threshold in the activity engaged in.⁽²⁸⁾ This is the case of a fruit seller in his fifties, who was originally from Wuhan and works in Beijing with his 19-year-old son while the rest of the family – three daughters and his wife – have migrated to other cities or remained in Wuhan:

He has been in Beijing for ten years. Before that, he worked in the construction industry, but one of his friends, who was making good money selling peaches (*tao*), convinced him to do the same thing as him. He has therefore been in this profession for just under ten years. Starting with peaches, he diversified into other fruit and bought a lorry. [...] He says he chose to work here because it was close to the work site where he used to work, and stayed there because it is a peaceful place (*anjing*). (Interview dated 7 February 2010)

As they have not risen up the distribution chain any higher than the street level, the income levels of the people interviewed remain modest, and cover a fairly wide range, varying from 900 *yuan* to 2000 *yuan* per month.

Street vendors choose the location where they set up their stand based on several factors, the most obvious of these being demand. They therefore position themselves in the busiest places in order to maximise their customer numbers, for example bus stops, metro station exits, university gates, or the foot bridges that span wide roads in the city. It follows from this that vendors have a tendency to form what McGee termed "*hawker agglomerations*,"⁽²⁹⁾ spontaneous, fluctuating groups that can vary in size from a few

16. Liu Hua, "Chengguan de lishi kuo quan yu xian quan" (The history of management of cities: Expanding power and controlling power), *Kunming li gong daxue xuebao* (Journal of Kunming University of Science and Technology), Vol. 19, No. 11, 2009, pp. 50-56.
17. One notable exception is Ferchen's thesis, part of which discusses this subject in Nanjing (Matthew G. Ferchen, *Regulating Market Order in China: Economic Ideas, Marginal Markets and the State*, Cornell University PhD, 2008).
18. At that time there were more than 40,000 in Wuhan: Wang Qiang, Jia Quan-quan, "1949-1952 Wuhan shi tan fan zhili jian lun" (The regulation of street vendors in Wuhan between 1949 and 1952), *Yibin xueyuan xuebao* (Journal of Yibin University), No. 9, 2007, pp. 70-72.
19. Liu Hua, *op. cit.*
20. Ma Jia, *Tan tan xiao shang xiaofan de shehui zhuyi gaizao* (Discussion on the social reform of street vendors), Jiangsu renmin chubanshe (Jiangsu People's Publishing House), 1956, pp. 1-3.
21. "Chengguan duiwu de ganga yu rong guang" (Difficulties and pride of the *chengguan* teams), website of the Chengdu *chengguan*, www.cdgc.gov.cn/detail.jsp?id=1553&ClassID=020401 (consulted on 1 May 2010).
22. Beijingshi chengshi guanli zonghe xingzheng ju, *Chengguan zhifa caozuo shi wu*, *op. cit.*, p. 41.
23. He Xin, *Why do they not obey the law? A case study of a rural-urban enclave in China*, Stanford University PhD, 2004, p. 43.
24. Chui Yi, "Chengguan duiwu jianshe de xianzhuang fansi yu fazhan gouxiang" (Reflection on the current situation of *chengguan* teams and their organisational development), website of the Beijing *chengguan*, p. 3, www.bjcg.gov.cn/cgxx/dybg/dybf/P020090604580231118507.pdf (consulted on 11 February 2010).
25. T.G. McGee, *Hawkers in Hong Kong*, Hong Kong, Centre of Asian Studies, University of Hong Kong, 1973, cited by Josephine Smart, *The Political Economy of Street Hawkers in Hong Kong*, *op. cit.*, p. 31.
26. Li Peilin, "Liudong mingong de shehui wangluo he shehui diwei" (Networks of relationships and social position of migrant workers with peasant origins), *Shehuixue yanjiu*, No. 4, 1996, cited by Jean-Philippe Béja, Michel Bonnin, Feng Xiaoshuang, and Tang Can, (Part 1), *op. cit.*
27. *Idem.*
28. Street vendors can also make "progress" in their career by making their activity official by renting an authorised sales outlet or a shop. Such a process had taken place for the vendors of Zhejiang Village in Beijing, who specialise in making clothing. Xiang Biao, *Kuayue bianjie de Shequ: Beijing "Zhejiangcun de shenghuo shi"* (A community across borders: A history of the life of Zhejiang Village), Beijing, Sanlian shudian, 2000; and He Xin, *op. cit.*
29. The expression is taken from T.G. McGee, *Hawkers in Hong Kong*, Hong Kong, Centre of Asian Studies, University of Hong Kong, 1973, cited by Josephine Smart, *The Political Economy of Street Hawkers in Hong Kong*, *op. cit.*, p. 31.

vendors to several hundred. Owing to the competition within these agglomerations, the vendors selling the most commonplace products – such as seasonal fruits – tend to isolate themselves. The choice of sales location is also particularly restricted by the distance from the vendor's home, which serves for both storage and production. As most vendors transport their goods on freight tricycles, it is difficult for them to set up stalls far from home. There is therefore a high level of correlation between the availability of cheap housing and the presence of street vendors. Being close to home also makes it possible to split activity into several periods to make the most of times when business is brisk and avoid those when controls are most likely to take place. In the second part of this article, I will further investigate how the timing of the controls affects the avoidance techniques adopted by street vendors. Owing to the fact that they converge in very busy places, street vendors are highly visible in the urban landscape. As we will see, the fact that this activity is prohibited is largely down to the effect of this on the appearance of the city.

As soon as they reappeared after the reforms, street vendors began to be targeted by controls, as seen with the "building management brigade" in Nanning in 1984, whose role was to drive out street vendors in time for inspection visits by leaders.⁽³⁰⁾ Starting at this time, controls on vendors were sporadic and were focused on the appearance of the city rather than on reasoning of an economic nature. There was no set organisation responsible for carrying out regular controls. Regulating street vendors was a responsibility shared by the Commerce and Industry Bureau (*gongshangju*), because of their commercial activity, and the police (*gong'an*), because of their presence in the public space. Other agencies were also sometimes involved, for example the Hygiene Bureau – for food products – or the Culture Bureau for vendors of DVDs, books, CDs, etc.⁽³¹⁾ The vendors were therefore not regulated as a single group but according to the area of competence of each bureau. This could give rise to superfluous controls (*duotou zhifa*), when these were possible and economically worthwhile for agencies to carry out, or to blind spots (*zhifa kongbai*),⁽³²⁾ when agencies would wash their hands of their responsibility, pointing their fingers instead at one another. This situation is summed up by the expression "seven or eight caps cannot stop an old straw hat."⁽³³⁾ The caps referred to represent the government agents, while the straw hat is worn by the street vendor who resists them. Local governments attempted to put systems⁽³⁴⁾ in place to coordinate between these agencies in order to implement a more comprehensive control of the vendors. However, the results were not satisfactory. The various agencies balked at the idea of mobilising the resources for an objective that they did not consider to fall within their area of competence. Furthermore, this type of joint operation could only operate on a one-off, temporary basis, which only allowed controls of a disjointed nature to be carried out in campaigns (*yundong*),⁽³⁵⁾ and made it difficult to establish systematic management of vendors.

An administration responsible for improving the appearance of the city

In 1996, the State Council (*Guowuyuan*) passed a law entitled "People's Republic of China Administrative Punishment Law" (*Zhonghua renmin gongheguo xingzheng chufa fa*).⁽³⁶⁾ Article 16 of this law states the possibility for the governments of cities under direct government administration, as in the case of Beijing, or of provinces or autonomous regions, to transfer their administrative sanction powers from one government administration

to another, with the exception of the power to restrict personal freedom, which remains under the full control of the police. This law made it possible to create a government administration with sanction powers detached from those of other agencies, as was to be the case with the *chengguan*. Shortly after this, the State Council issued a circular⁽³⁷⁾ in which Article 5 recommended that the various administrative levels concerned implement "pilot projects" (*shidian*) for the "relative concentration of administrative sanction powers" (*xiangdui jizhong xingzheng chufaquan*). It was in this context that the first *chengguan* bureau was opened in May 1997 in the Xuanwu district of Beijing, before the reform was gradually rolled out to cover the entire country in 2002.⁽³⁸⁾

As far as street vendors are concerned, it is mainly the responsibilities of the Commerce and Industry Bureau (*gongshang ju*) that were transferred to the *chengguan*.⁽³⁹⁾ However, the role of the *chengguan* is not limited only to controlling street vendors, even though this was one of the major objectives behind the establishment of the administration. On the contrary, their areas of competence have been expanded since they were formed, through a series of local texts.⁽⁴⁰⁾ This has led to a collection of responsibilities that can seem disparate⁽⁴¹⁾ but which share the common feature of being concerned with the appearance of the city. In effect, their duty is to control illegal behaviour outdoors, in the street. The *chengguan* are responsible for

30. Liu Hua, *op. cit.*
31. "Xi'an chengguan 'bianlian': cong sichan lan dadao jingqiaoqiao zhifa" (Changing the face of the *chengguan* of Xi'an: The shift from harassment to discretion as a method of control), *Fazhi ribao* (Legal Daily), 11 March 2010.
32. Ma Huaide, Wang Zhuguo, "Chengguan zhifa de wenti yu tiaozhan" (The problems and challenges of the application of the law by *chengguan*), *Henansheng zhengfa guanli ganbu xueyuan xuebao* (Journal of Henan Administrative Institute of Politics and Law), No. 105, 2007, pp. 54-72.
33. "Qi ba ge da gaimao guan buzhu yige po cao mao", literally, "Seven or eight caps cannot take care of an old straw hat." "Xi'an chengguan 'bianlian'," *op. cit.*
34. Liu Hua, *op. cit.*
35. Murray Scott Tanner describes these campaigns to maintain order as the "concentrated, fixed-term, special targeting of particular categories of crime for arrest and severe punishment." Although both scientists and members of the Chinese government have criticised its ineffectiveness and its contradictory effects, this method of action remains common practice. Murray Scott Tanner, "Campaign-style policing in China and its critics," in Børge Bakken (ed.), *Crime, Punishment, and Policing in China*, Lanham (MD), Rowman & Littlefield Pub Incorporated, 2005, p. 171.
36. "Zhonghua renmin gongheguo xingzheng chufa fa" (People's Republic of China Administrative Punishment Law), article 16.
37. "Guowuyuan guanyu guanche shishi 'Zhonghua renmin gongheguo xingzheng chufa fa' de tongzhi" (Circular concerning the "People's Republic of China Administrative Punishment Law"), 2003.
38. "Guowuyuan guanyu jinyibu tuijin xiangdui jizhong xingzheng chufa quan gongzuo de jue ding" (Decision of the State Council on the work of extending the relative concentration of administrative sanction powers). As a result of the gradual nature of the rolling out of the *chengguan*, the administrative structures are very different from city to city, and even from district to district within a given city. In the case of Beijing, although they are headed up by a single municipal bureau (*shi chengshi guanli zonghe xingzheng zhifa ju*), it is the district governments that play the overriding role both in the financing and management of the local *chengguan* bureaux (Ma Huaide, Wang Zhuguo, *op. cit.*).
39. "Guanyu ben shi chengshi guanli zonghe zhifa shi dian gongzuo kuoda quyue de tongzhi" (Circular on the extension of the *chengguan* test in the city), Circular No. 110, 1998.
40. "Beijing shi renmin zhengfu guanyu jinyibu kuoda chengshi guanli zonghe xingzheng zhifa duiwu xingzheng chufa quan de tongzhi" (Beijing municipal government circular aimed at extending the administrative sanction powers of the *chengguan* teams), 2004; and "Guanyu mingque shi, qu, xian chengguan jiancha zuzhi juti xingzheng zhifa quan huafen de tongzhi" (Circular aimed at clarifying the practical distribution of responsibilities between the city *chengguan* bureau and those of the districts and villages), 2003.
41. To give only a few examples, the *chengguan* have inherited some of the responsibilities of the Bureau of Land Resources and Housing Management (*guotu fangguan*) – which brings them into direct contact with another current point of tension in Chinese society: expulsion from housing considered to be illegal (*weifa jianzhu*) – the Bureau of Environmental Protection (*huanbao*), the Bureau of Landscape development (*yuannlin*) for green spaces, and the construction commissions (*jianshe weiyuanhui*) at the municipal and district level, which deal with construction sites and are directly concerned with the appearance and environment of the city (*yu zhili chengshi shirong huanjing miqie xiangguan*).

applying the laws and regulations that agencies are unable to enforce without having people on the ground. They therefore replace the patrols carried out by the Bureau of Environmental Protection and the Bureau of Landscape Development. They become the “armed wing” of the Bureau of Urban Planning and relieve the traffic police and *gongshangju* of some of their responsibilities. The aim of this concentration of duties is to comprehensively manage “lesser” illegal acts and minor offences committed in the public space. Article 4, paragraph 2 of the 1998 circular⁽⁴²⁾ therefore emphasises the point that *chengguan* must mobilise as many of their staff as possible “on the front line,” i.e., on the street. The idea was not to create a government administration shut away in its offices but rather to send state employees out to ensure that municipal laws and regulations were observed on the street.

Although the *chengguan* cover a wide area of competence, their ability to act is limited for two reasons. First of all, the *chengguan* differ from the police in that they are forbidden from resorting to administrative detention, which prevents them from arresting the people they are controlling. Similarly, they are forbidden from using force to carry out their mission. Also, according to the texts in force in Beijing,⁽⁴³⁾ the *chengguan* can neither authorise nor receive management fees. The aim is to separate the management (*guanli*), which continues to be the responsibility of the same agencies as before, from the application of the law (*zhifa*), this being transferred in its entirety to the *chengguan*. Even though, in the event of a difficult control, the *chengguan* should in theory call on the police, they often actually use force themselves, “violently applying the law” (*baoli zhifa*). Similarly, they often disregard their division of competence with respect to the *gongshangju* and tolerate the existence of informal markets. While the very aim of creating the *chengguan* was to enable an administration to apply⁽⁴⁴⁾ municipal laws and regulations independently, the *chengguan* are required either to work within cooperation mechanisms that existed before they were formed, or to overstep their prerogatives. As far as street vendors are concerned, the *chengguan* can admonish them, issue them with a fine, or confiscate their products and equipment.

The appearance of the city is central to the role of the *chengguan*. According to a press article published online on the website of the Beijing *chengguan*, “The role of the *chengguan* is mainly to ensure that the appearance of the city [*shirong shima*] is tidy and orderly [*zhengjie*], that the facilities are in a good condition, that there is perfect order, that the population submits to the law of its own free will, and to establish a harmonious atmosphere and to satisfy the populace.”⁽⁴⁵⁾ The appearance of the city is also underlined in an internal report of the Beijing *chengguan*,⁽⁴⁶⁾ which refers to the efforts of the *chengguan* to “transform [*gaibian*] the appearance of the city.” However, this transformation does not seem to be based on a clear ideology, although constant reference is made to “modernity” (*xiandai*) and the notion of civilisation (*wenming*), which is regularly invoked to judge behaviours that have a negative impact on the appearance of the city. An article dating back to 2010, which was published on the website of the Beijing *chengguan*,⁽⁴⁷⁾ discusses the struggle against the “seven uncivilised (*bu wenming*) or illegal behaviours that have an impact on the appearance [*shirong shima*] of the city of Beijing.” It mentions not only graffiti and the handing out of leaflets, but also street vendors, which illustrates the fact that street vendors are banned, among other reasons, because they are considered to detract from the appearance of the city. The term “civilisation” brings to mind the work of Norbert Elias on the civilisation of manners, which charts the slow development of this concept and

the standards attached to it in the European context.⁽⁴⁸⁾ In the Chinese context, the concept of *wenming* played an important role in the turning point that saw reforms implemented at the end of the 1970s through a dual ideological framework in which “material civilisation” (*wuzhi wenming*) was counterbalanced by “spiritual civilisation” (*jingshen wenming*).⁽⁴⁹⁾ The idea of “spiritual civilisation” is still used today as the vehicle for propaganda campaigns aimed at improving individuals – their *suzhi* – and their behaviours, and consequently society.⁽⁵⁰⁾ Therefore, even though the ideology upon which the action of the *chengguan* is based is not immediately explicit, the terms used are deeply rooted in political ideology.

Despite this deep-rootedness, rules that are based on the notion of civilisation often fall into the trap of tautology, which means that certain behaviours are considered to detract from the appearance of a modern city because they are considered to be neither modern nor civilised. To compensate for the vagueness of the criteria of the appearance of the city and the characterisation of behaviour as unmodern or uncivilised, other arguments are put forward by the *chengguan* to justify their controls on street vendors. For example, an auxiliary *chengguan* posted next to a metro station stated the following two reasons:

Many vendors use scales that have been tampered with [...] and swindle people in this way. [...] The food on sale does not comply with hygiene standards (*weisheng de biao zhun*) and there is a risk that it will make people fall ill. (Interview dated 26 March 2010)

Other factors that are pointed out include the amount of space taken up, and in particular encroachment on public streets (*zhan dao*) that slows the movement of traffic, the illegal or even dangerous nature of products sold, failure to comply with intellectual property rights, and even the pollution caused by the failure of vendors to deal properly with their rubbish. Although these various points are, without a doubt, legitimate causes for concern, it is unlikely that keeping vendors in an illegal situation will solve the problems in question, because, for example, it prevents the hygiene controls that the *chengguan* appear to be so much in favour of. All in all, these arguments seem to be instrumental as regards the controls carried out by the *chengguan* on street vendors, i.e., controls that, though discriminatory, are based to only a minor extent on the products that are actually sold.

It is in this sense that the illegal status of the street vendors should be understood, along with the fact that it is impossible for them to legalise their status. If illegal trading was the only aspect of the activity that was

42. “Guanyu ben shi chengshi guanli zonghe zhifa shi dian...,” *op. cit.*

43. See footnote no. 40.

44. Ma Huaide, Wang Zhuguo, *op. cit.*

45. “Shun yi bujian liudong shang fan luan bai tan” (No more street peddlers or stalls to be seen in Shunyi), website of the Beijing *chengguan* citing an article from *Beijing ribao* (Beijing Daily), 4 December 2009, www.bjcg.gov.cn/cgwx/cgyw/mtbd/t20091204_277526.htm (consulted on 30 August 2012).

46. Chui Yi, *op. cit.*, p. 5.

47. “Beijing jiang zheng zhi shi rong shi mao” (Improving the appearance of Beijing), 30 August 2002, www.bjcg.gov.cn/cgwx/cgyw/mtbd/t20020830_118002.htm (consulted on 30 August 2012).

48. Norbert Elias, *The Civilising Process*, Wiley, 2000.

49. Nicholas Dynon, “‘Four Civilisations’ and the Evolution of Post-Mao Chinese Socialist Ideology,” *The China Journal*, 2008, No. 60, pp. 83–109.

50. For further reading in this area, refer to Børge Bakken, *The Exemplary Society: Human Improvement, Social Control, and the Dangers of Modernity in China*, Oxford, Oxford University Press, 2000.

considered damaging, the authorities would seek to issue permits to supervise this practice; however, it is the street trading activity itself that is considered detrimental, because of its impact on the appearance of the city. Several vendors told me they had been unable to obtain a permit, and blamed the *chengguan*, whom they consider the cause of this inability.

I do not have a licence (*zhizhao*) because it is impossible to obtain one. [...] The *chengguan* might say that the vendors are doing business without a licence, but they don't let vendors have one in the first place (*bu rang ban*). (Interview dated 19 March 2010)

As the majority of street vendors are migrants, this ban can also be seen as an indirect way of controlling the migrant population in the city.

However, as we will now see, the interactions between street vendors and *chengguan* are more complex than the simple opposition that might be expected on reading the legal texts that define the responsibilities of the *chengguan*, which they are required to apply.

Interactions between chengguan and street vendors

The rejection of actions of the chengguan and its consequences

Initially, the *chengguan* adopted a purely repressive approach to regulating street vendors,⁽⁵¹⁾ based on fines and confiscations that resulted in a proliferation of confrontations with street vendors. From 2003, violence relating to *chengguan* controls came to be considered commonplace and was reported as such in the Chinese press.⁽⁵²⁾ This violence is partly inherent to the mission of the *chengguan*, who by clashing head-on with the interests of the street vendors run the risk of generating opposition from them. For example, bonuses and distinctions are awarded to *chengguan* who have been physically or verbally attacked, but didn't fight back.⁽⁵³⁾ On the one hand, this shows the latently conflictive nature of controls, and on the other hand, it shows that the violent response of the *chengguan* to the violence they face from people they are subjecting to control is a common phenomenon against which their management are seeking to take action. As we saw in the first part of the article, the use of force by *chengguan* is illegal, which makes the violence of the controls even more of a problem. Unlike the police, they do not have the legal option of detaining someone or using physical violence, and find themselves at an impasse with people who challenge their "definition of the situation,"⁽⁵⁴⁾ either by their statements or by their resistance to the control. Van Maanen, who studied the informal rules used by the police in the United States, demonstrates the importance of people who do not share the same definition of a situation as the police, and who are referred to by the latter as "assholes."⁽⁵⁵⁾ Even though they have not broken the law, their questioning of the legitimacy of the action of the police results in them being detained or being taught "a lesson," for example they may be "stretched over the hood of a patrol car and the target of a mortifying and brusque body search."⁽⁵⁶⁾ Indeed, for police and *chengguan* alike, abandoning a control that has started or ignoring behaviour that challenges them leads to a questioning of the standards they are defending, because it demonstrates, in public, that these standards do not necessarily apply. As the aim of the *chengguan* is to improve the appearance of the city, the main purpose of controls is not to individually transform the be-

haviour of certain persons, but to transform the public space by preventing the manifestation of such behaviour in them.⁽⁵⁷⁾ The public space, as it is a social space, therefore provides both the context for and the subject of their control. To quote Goffman's term, it is a case of creating a new "social order."⁽⁵⁸⁾ The *chengguan* are therefore faced with a paradox whereby if they allow an offence to go unpunished, this calls into question both the standards at stake and the legitimacy of the *chengguan* in making sure such standards are upheld, yet resorting to violence by excluding street vendors from the legal framework also delegitimises their action. During the first years of their existence, this dilemma was clearly settled in favour of the use of coercion, which resulted in them becoming especially unpopular.

Instances of "gratuitous" violence⁽⁵⁹⁾ committed by the *chengguan* were also reported, but on much rarer occasions than controls that took a violent turn, and they are, in any case, to be considered within the context of the very high tensions in their relations with street vendors. These tensions have a direct impact on the way in which not only the vendors but also the *chengguan* define the situation when they interact. The street vendors' fear of seeing their working tools confiscated or of being subjected to violence by the *chengguan* is echoed by the fear the latter group has of being targeted. One such event was particularly traumatic for the *chengguan* of Haidian District, where I conducted my study. On 11 August 2006, Cui Yingjie, a street vendor, was controlled by the *chengguan*, who confiscated his goods and his tricycle. As Cui Yingjie resisted the confiscation, the control turned violent and the vendor killed a *chengguan*, Li Zhiqiang, who died of a stab wound. Although events of this kind are relatively rare, this was not an isolated case and led to a feeling of mutual distrust, which has led to the adoption of avoidance strategies both by street vendors and the *chengguan*. After the affair was widely reported in the media, many people in academic and media circles appealed to the authorities to grant the vendor, who had been sentenced to death, a stay of execution. Faced with popular pressure and statements by famous people relayed by the media, Cui Yingjie was granted a reprieve, much to the indignation of the *chengguan*.⁽⁶⁰⁾ Given the context of state control of the media in China, the fact that the newspapers took such a position against the *chengguan* administration shows that their action was being politically discredited. Indeed, the exacerbation of social conflicts linked to *chengguan* controls is poles apart from the wish conveyed by the "harmonious society" (*hexie shehui*) doctrine, which is intended to calm social relations. All that this event achieved, on the other

51. Liu Zhuofang, "Fuwu xing zhengfu shijiao xia de chengshi guanli zonghe xingzheng zhifa" (Overall administrative application of the law by the *chengguan* from the point of view of a service government), *Shehui kexuejia* (Social Scientist), No. 148, August 2009, pp. 92-95.

52. "Guifan chengguan zhifa xuyao duo guan qi xia" (The standardisation of practices in the application of the law by the *chengguan* needs to take several directions), *Fazhi ribao* (Legal Daily), http://www.legaldaily.com.cn/bm/content/2003-02/24/content_15278.htm (consulted on 30 August 2012).

53. "Bie waiqu le 'weiqu jiang'" (Do not use "compensation for having suffered injustice" excessively), *Anhui zaixian* cited by the Xinhua administration, 27 November 2002.

54. This expression was coined by Erving Goffman, *The Presentation of Self in Everyday Life*, Anchor Books, 1959.

55. John Van Maanen, *op. cit.*, p. 4.

56. *Ibid.*, p. 15.

57. In the same way, the point of view of the police involves underlining that its main role is to maintain order, and arresting offenders is only one aspect of this.

58. Erving Goffman, *Behavior in Public Places*, New York, The Free Press, 1966, p. 8.

59. "Guifan chengguan zhifa xuyao duo guan qi xia" (The standardisation of practices...), *op. cit.*

60. "Xiaofan sha chengguan an hou gushi" (Follow-up to the case of a street vendor who killed a *chengguan*), *Fazhi ribao* (Legal Daily), cited by the Xinhua administration, 6 June 2007, http://news.xinhuanet.com/legal/2007-06/06/content_6204061.htm (consulted on 30 August 2012).

hand, was to expose long-standing disapproval of the actions of this administration.⁽⁶¹⁾ Indeed, the death of this *chengguan* was portrayed as the inevitable result of the pressure exerted by the *chengguan* on a member of a “disadvantaged group” (*ruoshi qunti*).⁽⁶²⁾ When controls do turn violent, the violence used by state employees is perceived in an especially negative light because it is considered disproportionate to the minor nature of the offences committed and the social situation of the targeted group. The *chengguan*, whose aim is to promote civilised behaviours, then finds itself accused of “uncivilised application of the law” (*bu wenming zhifa*).⁽⁶³⁾ Having the term “uncivilised” turned against it delegitimises both the *chengguan* and the standards it is attempting to uphold.

The rejection by a section of the population of the action of the *chengguan* is made all the more significant by the fact that the mission of the *chengguan* is to ensure that municipal laws and regulations are observed in the public space or, in other words, to make sure that standards are upheld in a space in which they are being broken. Yet crowds of curious onlookers can grow very quickly,⁽⁶⁴⁾ and may take up a position and influence the outcome of the interaction between the *chengguan* and vendors. The unpopularity of the *chengguan* directly informs the way in which passers-by define the situation and influences them when they are present during an interaction between *chengguan* and street vendors. The fact that the agents of the state are thrust into this social space, which is a public space, gives the people they are controlling the “ability” to dispute these standards, and therefore makes it more difficult for the *chengguan* to impose their definition of the situation and thus to transform the public space. An official manual intended for the training of *chengguan* therefore includes several recommendations aimed at limiting the number of onlookers when controls take place, in order to avoid situations in which *chengguan* find themselves in “hostile” territory. As there is clearly a risk of blundering when a crowd is present, it is “preferable to abandon” (*ningke fangqi*) a mission rather than take risks, for the safety of the *chengguan* and to prevent a situation developing in which a control degenerates and has a negative impact on society (*shehui yingxiang*).⁽⁶⁵⁾ and above all to protect the image of the *chengguan*. This passage gives a clear illustration of an avoidance strategy adopted by the *chengguan* and matched by the avoidance strategies of the vendors, who seek to avoid being controlled. Moreover, in the face of the popular rejection of their action, *chengguan* leaders have chosen to “humanise” (*renxinghua*) control practices. The outlines of this “humanisation” are very vague, but the practical consequence of this new direction has been a general relaxing of control practices aimed at limiting conflictive situations that damage the image of the administration. In certain cases, the *chengguan* therefore attempt to “educate” (*jiaoyu*) the persons they control and convince them of their negative impact on the appearance of the city,⁽⁶⁶⁾ while in others, the vendors are tolerated and controlled at rare intervals, and in others still, the *chengguan* make do with periodically driving them away. However, in other situations, they continue to confiscate possessions and issue fines without warning. The consequence is that controls are more flexible and changeable. The humanisation of practices is, however, no more than a means of achieving more effective control, and its instrumental aspect can be clearly seen in passages of the *chengguan* manual that cynically recommend that in the event of a control turning violent, agents should take care not to leave marks of violence on the faces of the persons being controlled, and above all not to do so in public.⁽⁶⁷⁾ The implementation of these various practices may seem random, but it is actually based on discrimination between population groups, places, and times, distinctions that can result in greater tolerance or, on the contrary, increased control.

Modifying control techniques

The *chengguan* manual refers, for various reasons, to “five particularly difficult groups to deal with: ethnic minorities, people with disabilities, old people, people suffering from a serious disease, and AIDS sufferers.”⁽⁶⁸⁾ Ethnic minorities are considered difficult to control because of cultural differences, as well as political reasons (*zhengzhi yinsu*), in particular resulting from Beijing’s status as the capital city (*shoudu Beijing zhe yi min’gan diqu*).⁽⁶⁹⁾ In practice, this distinction is expressed through greater tolerance being shown towards this population group compared to the Han Chinese:

A chengguan van has just parked under the foot bridge. [...] The scene unfolds extremely quickly and the vendors all rush to leave, except one female vendor who stays behind and does not appear concerned by the arrival of the *chengguan*. She is selling “ethnic” products, in other words jewellery, animal bones, small pieces of fur, etc. (Observed on 25 August 2011)

Later on in the day, when the question was put to one of the vendors who had since returned as to why the vendor in question had not been concerned, he confirmed that it was due to her belonging to an ethnic minority, and explained that they have more rights than the Han, drawing a parallel with the different application of the one-child policy (*interview dated 25 August 2011*). I did not have the opportunity to observe this difference in treatment for the other population categories singled out by the *chengguan*,⁽⁷⁰⁾ although it might be assumed that such categories are treated with greater tolerance. For example, the *chengguan* manual recommends that fines should not be imposed on old people, who should instead simply be gently moved on.⁽⁷¹⁾ More questionable, however, is the operational nature of distinctions that cannot be directly observed, such as those concerning people with diseases or suffering from AIDS.

61. The general attitude of the population towards this administration is still hardly positive, as a survey carried out in 2009 shows for an internal *chengguan* study. It revealed that 84.16 percent of the 20,000 inhabitants of Beijing who were interviewed felt that the *chengguan* had no positive influence on their daily life (see Chui Yi, *op. cit.*).

62. Liu Zhuofang, *op. cit.*

63. “Guifan chengguan zhifa xuyao duo guan qi xia,” *op. cit.*

64. Such crowds appeared almost immediately at one control in Wangzhuanglu. Even though the control of a vendor lasted less than a minute – the time it took for an acrimonious exchange and for the vendor’s bicycle to be hoisted onto the *chengguan* pick-up – the scene led to a crowd of around 15 people forming (observed on 16 March 2010).

65. Beijingshi chengshi guanli zonghe xingzheng ju, *Chengguan zhifa caozuo shi wu*, *op. cit.*, p. 70.

66. In September 2009, in Chengdu, this reasoning led to the creation of units of “*chengguan* mothers” (*mama chengguan*), women aged between 40 and 50 who do not have the administrative sanction power of the *chengguan* and who hope to dissuade street vendors by repeatedly issuing them with injunctions. However, this test has not proved conclusive, because two months after this group was formed, the majority of the “*chengguan* mothers” had resigned due to the difficulty of their task. “Chengdu shou pi ‘mama chengguan’ fenfen cizhi” (Successive resignations in the first group of “*chengguan* mothers” in Chengdu), *Sichuan zaixian* cited by Fazhi ribao, 5 November 2009, www.legaldaily.com.cn/shyft/content/2009-11/05/content_1177698.htm, (consulted on 21 February 2010).

67. Beijingshi chengshi guanli zonghe xingzheng ju, *Chengguan zhifa caozuo shi wu*, *op. cit.*, p. 71.

68. *Ibid.*, p. 52.

69. *Ibid.*, p. 53.

70. Although cases of corruption involving the *chengguan* have been reported in the press and scientific literature (He Bing, *op. cit.*), I did not observe any interaction during my field study that might suggest distinctions were being made between vendors on this basis.

71. *Ibid.*, p. 55.

Vendors are also treated differently depending on where they are operating. According to the *chengguan manual*, in "the main streets, symbolic roads, and important, sensitive, and tourist sites, there should be heightened surveillance, and care should be taken not to commit the smallest oversight" and to "punish repeat offenders with heavy fines."⁽⁷²⁾ Locations in which the presence of street vendors is considered to be a particular nuisance are subjected to heightened *chengguan* surveillance. The logical consequence is the construction of sentry boxes (*gangting*) designed for four or five *chengguan*, the purpose being to provide a place for foot patrols to take a break, and above all to use the permanent presence of *chengguan* to dissuade street vendors from operating in the area in question in the first place. These sentry boxes are only constructed in places where there is a high concentration of passers-by, and therefore potential vendors, in particular in "important" places such as "modern" areas whose appearance would suffer from the presence of vendors. No fewer than four of these structures have been erected in the area around the Wudaokou metro station. Such superfluity is explained by the administrative division of this space, which straddles three jurisdictions: Zhongguancun, Xueyuanlu, and Dongcheng.⁽⁷³⁾ In addition to the sentry boxes, vans fitted with cameras park in the same locations day after day. This practice is also favoured for some locations even though no sentry box may have been constructed there, for example, certain metro stations at given times of day, and university gates. I was able to observe *chengguan* on foot and in cars parked next to the gates of Peking University (observed on 4 February 2010) or next to Haidian Huangzhuang metro station (observed on 26 March 2010).

However, the effect of controls in fixed positions is mixed. The space that is actually protected is fairly limited, and vendors have no hesitation when it comes to setting up stall in neighbouring alleyways, provided they are out of view of the positioned agents. For example, an agglomeration of some 20 vendors forms daily at mealtimes in front of Beijing Forestry University. If a *chengguan* is present at the gate, they set up in the safety of the closest alleyway, which is about a hundred metres away (observed on 26 March 2010). Patrols very rarely set out from the sentry boxes, which suggests that the *chengguan* will tolerate the presence of street vendors in the direct vicinity provided that they are not visible in the area from which they are prohibited from operating. Also, this strategy is costly in terms of staff numbers,⁽⁷⁴⁾ and when the sentry boxes are empty, the vendors return. It follows that controls in fixed positions are ultimately not as continuous as the presence of sentry boxes might suggest. A not inconsiderable aspect of controls is therefore still based on patrols, whether on foot or in a pick-up, which can sometimes lead to chases.

A *chengguan* pick-up coming from the west was driving at high speed towards two vans owned by fruit vendors parked at a crossroads. When it reached the fruit vendors, they took off at top speed, heading north with the pick-up in pursuit. The street was blocked by a traffic jam, so the vendors, followed by the *chengguan*, took a right and entered the Tsinghua University campus. (Observed on 17 March 2010)

However, the *chengguan* appear to use their vehicles more often for targeted operations than for patrols, and the vehicles observed in the streets are usually travelling at high speed, not at a slow pace suitable for monitoring the surroundings.

The *chengguan manual* also refers to "spaces of less importance, which are not very busy and not very tidy" in which "it is preferable to emphasise

education and to avoid imposing fines."⁽⁷⁵⁾ In the same way as certain areas are considered to be important and require an increased presence, these areas are controlled less often, and even neglected. This is the case, for example, of the village of Bajia, the second site of the study. As mentioned above, along the whole length of the road running next to this village, an agglomeration of several hundred street vendors forms every day, creating a full-fledged informal market that remains open all day long. It may seem surprising that an area with so many vendors should be free of controls, given that the *chengguan* in the Xueyuan Lu jurisdiction, who are partially responsible for this area, are so active in Wudaokou. This almost total absence of controls can be explained first and foremost by the fact that this area is already considered "disorderly" (*luan*) owing to the fact that it is a village within the city, but also, of course, by the fact that Bajia has been earmarked for destruction.

One pancake (*jianbing*) vendor who, like many of the vendors in the surrounding area, lives here with her family, told me:

The Bajia district is going to be destroyed (*chai diao*) in the near future, most probably starting on 1 May (*wu yi*). It will be replaced by a park (*huayuan*) adjoining Tsinghua University. (Interview dated 15 March 2010)

The *chengguan's* decision to stop controlling this district is therefore only temporary, and fits in with a medium-term strategy, because the agglomeration of vendors is condemned to disappear when the district is transformed. Since my study was completed, Bajia has been razed to the ground and the street vendors from the surrounding area have disappeared; in one neighbouring street, metal railings have been installed to prevent vendors from parking their vans on the pavement (observed on 15 November 2011). The tolerance shown to vendors in areas that are considered to be unmodern and, hence, unlikely to suffer from the presence of vendors, is therefore to be gauged against the rapid transformation of the city. Wasteland or areas next to work sites (observed on 17 March 2010) might serve temporarily as a place for vendors to operate, but the tolerance shown there can end at any time when such spaces are transformed. Furthermore, the conjunction of areas of cheap housing and the presence of street vendors means that the destruction of villages in the city could have a long-term effect. A number of vendors told me of the difficulties they experienced in finding affordable housing, and did not know where they would go when Bajia was destroyed; several were considering leaving Beijing for cities with better housing conditions (interview dated 23 March 2010). I have referred to the virtual absence of controls in Bajia because there is one major exception, which took

72. *Ibid.*, p. 74.

73. 2009 annual report of Haidian, *Haidian government website*, www.bjhd.gov.cn/zf/zfwj/dsnb/201003/t20100308_182664.htm (consulted on 14 April 2010).

74. It should be noted that only a small number of *chengguan* are permanently employed, both at city level and in the district where the present study was conducted, Haidian, where there were no more than 666 incumbent *chengguan* in 2010 (Cheng guan rexin kaifang ri huodong [Celebration of the opening of the *chengguan* hotline], *Beijing government website*, www.beijing.gov.cn/zft/zwhd/wz/t1114080.htm [consulted on 25 April 2010]) for a resident population of more than three million (*changzhu renkou*) and a floating population (*liudong renkou*) of more than one million people. The result is the widespread use of assistant *chengguan* (*chengguan xiezhu yuan*), agents employed on a contractual basis, who do not have the sanction powers of the incumbent *chengguan* and perform a purely dissuasive role. More information on the composition of the Haidian *chengguan* can be found in the previously cited internal report: Chui Yi, *op. cit.*

75. Beijingshi chengshi guanli zonghe xingzheng ju, *Chengguan zhifa caozuo shi wu*, *op. cit.*, p. 74.

place during the period in which the “two assemblies” *pe(lianghui)* were meeting.⁽⁷⁶⁾

In addition to the two first instances of distinction drawn by the *chengguan*, which depend on the population group involved and the place, there is a third type: temporal discrimination. The manual thus describes specific instances when controls need to be stricter: “When there are major political, commercial, and sports meetings, during diplomatic visits, festivals, celebrations, and inspections.” In situations such as these, vendors need to be “swept” from the scene (*yi sao er guang*) in order that “wherever one looks, everything is impeccable” (*yi pian jiejing*). All staff, apart from a few exceptions, must then be mobilised in the street (*yilü shangjie*).⁽⁷⁷⁾ This phenomenon of temporal discrimination is comparable with the “campaign” (*yundong*) strategy discussed above, because of the similarities in the use of severity and the concentrated time-frame. However, unlike these so-called campaigns, which target a certain type of offence, political events see a general mobilisation of the administrative machinery. In the case of the outskirts of the village of Bajia, the effect of the political event represented by the *lianghui* was blatant. One morning, in a street where the vendors were never controlled, a *chengguan* van pulled up on the pavement, causing the vendors to flee. Ten minutes later, the van left and the vendors returned. One fruit vendor told me, while unpacking his produce again, that the *chengguan* had come “to drive them away” (*rang women ganzou*) and that if they did not leave, they ran the risk of being fined (*bu zou de hua hui fakuan*) (interview dated 2 March 2010). A few hours later, on the same day, a *chengguan* car arrived on the same street:

The car slowed down when it reached the vendors, who began to hurriedly pack up their stands. The car pretended to stop, then sped up and left. The vendors then continued their activities. (Observed on 2 March 2010)

Several vendors made the connection between these sudden controls and the holding of the *lianghui*, and explained that the *chengguan* seldom came to this area unless there was a “major event” causing the government to “fear disorder” (*pa luan*) (interview dated 3 March 2010). The technique used by the *chengguan* is to disperse the vendors by making successive visits. Adopting a method of this kind may appear futile, because it only seems to produce very short-term results: the vendors resume their activity a few minutes after a *chengguan* car has driven past. In fact, its main purpose is as a show of force, because it indicates to the vendors that they could be controlled. Moreover, it is particularly risky for *chengguan* to conduct controls on street vendors in an area so close to their homes. The confiscation of a street vendor’s goods in an “urban village” in Kunming on 26 February 2010 turned into a riot, for example.⁽⁷⁸⁾ This example shows how difficult it is for *chengguan* to regulate street vendors in areas like this that are hostile to them. By limiting their presence, they reduce the number of potentially dangerous conflicts in what is, in any case, an area that “is not worth it.” This technique of control of paying successive visits can therefore be seen as another avoidance strategy used by the *chengguan*. In other cases, repeatedly driving street vendors away without attempting to fine them can also be seen as a low-cost way of discouraging them from setting up stalls in a given place in future. For example, Ferchen noted in the case of Nanjing in 2004 that daily patrols carried out for a week in front of the gates of Nanjing University proved to be enough to disperse a growing agglomeration of street vendors.⁽⁷⁹⁾

Periods during which no major political event is scheduled are also subject to temporal discrimination. In Wudaokou, for example, there are four times of day when vendors can operate without running the risk of being fined: at breakfast time in the morning, i.e., before the *chengguan* have started work, when they stop for their midday and evening meals, and finally in the evening, when they have finished work for the day (observed on 26 February, 2010).

A book vendor positioned to the east of Wudaokou metro station told me...

... that he would soon be leaving [it is 1:45pm] and that he comes here at lunchtime and in the evening, because that is when the *chengguan* are eating. He adds that they stop regulating (*bu guan*) while they are eating. When I ask him if it is an established rule that selling should be allowed during those times (*zai zher keyi zuo shengyi, shi you guiding de ma?*) or if the *chengguan* make this decision themselves (*haishi chengguan ziji jue ding de ne*), he tells me it is only possible because they are not there (*jiushi yinwei tamen bu zai*). (Interview dated 23 March 2010)

The times at which the *chengguan* carry out their controls and their absences, whether intentional or not, necessarily have a big influence on the times when street vendors operate; Josephine Smart observed the same temporal flexibility in her study in Hong Kong.⁽⁸⁰⁾ Yet it is remarkable that these times coincide with the times during which vendors, in particularly those who sell snacks, can make the most sales. Therefore, despite the book vendor’s analysis above, it is possible that calculated tolerance is at play. If the *chengguan* wished to restrict the business of street vendors to the maximum, they could organise a rotation system at lunchtime, but this does not happen. Also, this temporal tolerance does not suddenly end once the *chengguan* have returned from their lunch or dinner. At the end of the “dinner truce,” during an exchange with one street vendor, we were so deep in conversation that we did not notice the nearby vendors putting away their products when a *chengguan* car suddenly arrived.

I told him, “*chengguan lai le*” [the *chengguan* are arriving]. He hurried to get onto his *sanlunche* [freight tricycle] and leave. The *chengguan* stayed in the car and slowly followed him. (Interview dated 28 March 2010)

In the end, they let him go. Even though this vendor was driven away, the area located to the west of Wudaokou metro station is transformed into an informal night market that is tolerated and, to a certain extent, organised by the *chengguan*.

The first vendors arrive at this market just before 6:00 pm, and the market packs up of its own accord just after 10:00 pm. At its most sizeable, it at-

76. Simultaneous meetings of the National People’s Congress and the Chinese People’s Political Consultative Conference.

77. Beijingshi chengshi guanli zonghe xingzheng ju, *Chengguan zhifa caozuo shi wu*, op. cit., pp. 89-91.

78. “Kunming chengguan zhifa chongtu shijian diaocha yu zhui zong” (Investigation and follow-up of the incident in Kunming during a *chengguan* control), *Fazhi ribao* (Legal Daily), 2 April 2010, www.legaldaily.com.cn/bm/content/2010-04/02/content_2102408.htm (consulted on 11 April 2010).

79. Matthew G. Ferchen, op. cit., p. 178.

80. Josephine Smart, op. cit., p. 61.

tracts more than 200 vendors arranged into two lines of stalls, one up against the shops and the other opposite, two meters away, to allow room for pedestrians to walk through. Most of the vendors here sell clothes, but all kinds of goods are available, such as electronics, shoes, jewellery, handbags, and food – there are vendors selling popcorn, sweets, “stinky tofu,” and kebabs – and even pets. A large stream of people, including many youngsters, comes to the market to buy things and for entertainment. Far from trying to disperse the night market vendors, the *chengguan* are happy to simply supervise them, more often than not parking a van on the pavement with its revolving lights on, and generally not leaving the vehicle to patrol on foot. Although this market is limited to the jurisdiction of the Zhongguancun *chengguan*, it appears to be organised in partnership with the two other *fendui* of the sector. I observed what appeared to be a joint tour of inspection carried out by the three *fendui*. One evening, not one but three *chengguan* cars parked on the pavement before leaving a quarter of an hour later (*observed on 26 March 2010*). The vendors leave when the shops close, because it is the shop lights that illuminate the street and make it possible to see the goods displayed by the vendors on a sheet on the ground. When the shutters are lowered, the street becomes relatively dark, and the vendors who stay or are arriving at this time move next to the metro exit, where the light is better (*interview dated 2 March 2010*).

These various operational distinctions are interconnected and form a multitude of situations, which are necessarily complex to interpret. This results in a very fluid form of control that is difficult for the people against whom it is directed to predict. As we will see, on top of these factors, these distinctions are liable to change, and the tolerance to which they give rise can be taken away. Therefore, although the change in *chengguan* practices has actually resulted in an increasing number of situations in which vendors are tolerated, their perception of the control remains virtually unchanged.

Perception of the control and modification of vendor practices

According to the street vendors present at the night market, its existence had only been tolerated since “the previous year” (*cong qunian kaishi de*), before which the *chengguan* had not “allowed selling to take place” (*bu rang mai*) in this location. One vendor also pointed out that “in general, they [the *chengguan*] do not control [this place] but at times they do deal with it” (*jibenshang bu guan, keshi hai youshi ye guan*) (*interview dated 25 March 2010*). The impression of the street vendors is that although this market is clearly being tolerated by the *chengguan*, it could at any time be banned once more. Therefore the distrust felt by street vendors towards the *chengguan* endures. For example, an electronics vendor jokingly told her neighbour, a clothing vendor whose display had just fallen over, “It’s like when the *chengguan* arrive” (*jiu gen chengguan lai yiyang*) (*observed on 2 March 2010*). This may appear to be no more than a case of hysteresis, because the vendors have not yet got used to the tolerance shown to them by the *chengguan*. However, the signs are that the *chengguan* are proceeding by trial and error. The rules by which the night market is organised change on a daily basis, meaning that any tolerance shown is not set in stone and could be withdrawn. To illustrate this point, no food vendors were present at the market for several days in a row (*observed on 20 March 2010*) even though there had been many there previously, and they subsequently returned a few days later (*interview dated 25 March 2010*), obviously once the ban on them had been lifted. The changing size of the area given over

by the *chengguan* to the night market is another illustration of the shifting nature of the rules put in place. The *zongzi* vendor I was talking to when *chengguan* arrived later told me that selling was not authorised outside the boundaries of the night market. During my first period of observation, selling was only authorised in front of one half of the block of houses, but a week later, the market began to spread west, which was sanctioned by the presence of a *chengguan* vehicle (*observed on 26 March 2010*). This spread did not take place without clashes, as the *chengguan* had initially banned the vendors from operating in front of this second half of the block of houses. I witnessed an exchange between the *chengguan* and vendors who had set up stands on the banned half of the street:

Two *chengguan* are talking to them while a third films the scene with a camera. The oldest *chengguan* curtly tells one of the vendors that he had “told him last time that he could not sell from that side” (*shang ci gaosu ni bu neng lai zhebian*), and that “he had set up stall there regardless” (*ni haishi lai zher*). [...] The *chengguan* films the vendors taking away their displays [...], then returns to his car while the oldest of the three continues to argue and the vendors form a circle around him. He talks to them for a few more minutes, and then he, too, returns to the car. (*Observed on 30 March 2010*)

This example also shows that the night market is most probably tolerated by *chengguan* management, for without such acquiescence the agents on the ground would most probably not take the trouble or the risk to document part of their intervention. By the end of my study, it looked like the night market’s existence was in the process of being formalised. However, one year later, it disappeared to make way for road repairs and has not been tolerated since, which, in hindsight, justifies the distrust shown by the street vendors.

As in the case of the night market, street vendors do not take for granted the tolerance shown by the *chengguan* in other situations either, and they continue to harbour fears of controls. Even in areas next to a work site, where selling is basically tolerated because of the “disorderly nature” of the setting, street vendors remain on the alert and are ready to leave at any time. For example, the sight of members of the traffic police, who wear a uniform similar to that of the *chengguan*, was enough to make them flee (*observed on 17 March 2010*). It should be pointed out that any tolerance shown can end at any time, without warning; for example, street vendors operating in a street close to Wudaokou, where selling is tolerated at dinner time, have had their goods confiscated:

A *chengguan* pick-up drove by and stopped a few metres down the road. Two *chengguan* hoisted a bicycle onto the pick-up while a third spoke to the candyfloss vendor who had just had his equipment confiscated. A crowd had already formed [...]. The vendor, a man around 30 years of age, shouted something at the *chengguan* [...], who replied with an air of authority, “Do you understand? Follow them!” (*Ni dong ma? Gen tamen yiqi qu*). The two *chengguan* who had dealt with his bicycle jogged away in a southerly direction. They were already out of sight, and the vendor decided to follow them. The pick-up set off again, and then stopped next to a pineapple vendor on the other side of the road. Two other *chengguan* first dealt with the goods, the chopped up pineapples, which they tossed into the boot, and then the tricycle. [...] They then left, leaving behind them the completely dumbfounded vendor. (*Observed on 16 March 2010*)

The distinction made between population groups, places, and time, and experimentation by the *chengguan* with new forms of tolerance such as the night market, make it difficult for street vendors to predict the form a control will actually take, and helps explain how they feel. With the exception of one newspaper vendor, who feels that relations with the *chengguan* have, on the whole, improved because they "confiscate less and impose fewer fines" than before (*interview dated 3 March 2010*), the vendors around Wudaokou are in unanimous agreement that *chengguan* controls remain very strict. One vendor who was operating at mealtimes told me that he came at those times "simply because 'they' are not there" (*jiushi yinwei tamen buzai*). When I asked him if *chengguan* controls were more lenient at the moment, he turned to me with a very surprised look on his face, and answered with a single word drawn out to emphasise its meaning: "strict [*yan*]!" (*interview dated 23 March 2010*). Even though they do benefit from forms of tolerance used by the *chengguan*, the vendors still feel that controls are strict and that this has an impact on their practices.

Even though many vendors come back to occupy the same positions from one day to the next, the persistent nature of the controls means that all the stands are mobile or removable in order to enable the vendors to quickly make themselves scarce. In the case of the village of Bajia, the consequence of the *chengguan* visit at the time of the *lianghui* was that many of the street vendors, who usually spread out their goods on a sheet laid on the ground, came on a freight tricycle on the following days (*observed on March 2010*). It is necessary to be able to flee and to have a place to hide nearby.

The street, which had been bustling a few moments earlier, was suddenly empty. All the vendors who had their goods on tricycles went to take refuge in a small side street. A *chengguan* car drove by, it was a van fitted with a camera. A minute later, the vendors emerged from the side street, looked to the right and left up and down the street by which the *chengguan* van had arrived and left, then gradually set their stalls up again. [...] Two female vendors returned their table to the edge of the pavement, after hiding under a shop awning. Activity returned to normal, apart from the vendors glancing around anxiously from time to time. (*Observed on 9 March 2010*)

In other respects, when it comes to tackling the controls, being in an agglomeration reduces the individual risk of being hit with a fine, because all the vendors flee at the same time, and the *chengguan* are rarely able to fine more than one or two people each time. However, operating alone can also help a vendor pass unnoticed in a dense crowd. The speed at which goods are sold then reduces the risk being taken, as in the case of one *tanghulu* stallholder:⁽⁸¹⁾

His goods are stuck into a cylinder fitted over the front wheel of his bicycle. He comes from Hebei Province and is over 50 years old. He is wearing a threadbare *jundayi* [a military coat]. [...] He constantly looks in the three directions from which the *chengguan* could come, hardly sparing a glance for his customers. When asked if his *tanghulu* sell well, he replies proudly that they do, and that he only needs to work this spot for two hours before he sells out of stock (about 40 *tanghulu* to begin with, judging from the empty slots). (*Interview dated 17 March 2010*)

During the *lianghui*, most of the stalls were set up on freight tricycles. Street bordering Bajia village, March 2010

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Other vendors choose not to hold stock that could be seized from their stall, especially if the stock itself is illegal, as is the case of pornographic films:

A woman around 40 years of age called out to me when I was heading back north. I saw that she was one of a group of four female vendors, all around the same age. The woman asked me if I wished to buy pornographic DVDs (*A pian*). I asked her if she also sold "normal" DVDs, and she answered in the affirmative. I asked to see what she had for sale, and she answered that she did not have them with her but kept them at home. I turned down the invitation to follow her. (*Interview dated 17 March 2010*)

These few examples show that vendors react to the techniques used by the *chengguan* and to their own perception that the controls are severe. Regardless of the reality of this perception, it has a practical impact on the way in which they organise themselves, in particular by encouraging them to develop strategies to avoid interactions with the *chengguan*. In the same way that the fact that the *chengguan* and vendors subscribe to opposing definitions of the situation – the former considering the controls their duty, and the latter seeing the possibility of selling as a right – helps to create the social order through their competing concurrent standards, the control practices and sales techniques developed in reaction to these practices are mutually interwoven constituents of the situation. Thus, even though interactions with the *chengguan* are, by their very nature, asymmetrical, it could be argued that the situation is co-produced both by the administration and by those they are responsible for controlling.

81. A sweet Beijing snack consisting of candied haws slid onto a skewer.

Conclusion

The aim of creating the *chengguan* was to concentrate the “administrative sanction powers” of various government agencies in order to give a single administration the task of fighting against street vendors and other illegal behaviours that were taking place in the public space and were not the responsibility of the police. Unlike the police, the *chengguan* are not legally authorised to use force, and must make do with imposing fines and confiscating goods and equipment. The controls carried out by the *chengguan* are, however, conflictive, and often turn violent, in particular when they target street vendors. This has resulted in an inversion that has seen the *chengguan*, who are supposed to promote “civilised” (*wenming*) behaviour, develop into an administration that oversteps its powers and uses “uncivilised” (*bu wenming zhifa*) methods to make sure the law is upheld. The obvious unpopularity of this administration has led it to change its practices to make them “more humane” (*renxinghua*). In this way, the *chengguan* hope to win the support of a population that, given that interactions with vendors take place in the public space, is likely to take the side of the latter group. *Chengguan* teams therefore generally show greater tolerance towards street vendors, and are now more likely than previously to go no further than simply reminding vendors of the law.

Yet this tolerance in *chengguan* practices appears, at first glance, to lack overall consistency and logic. For example, places where vendors are tolerated all year round might suddenly find themselves the scene of repeated controls for several days, while in other cases, vendors can set up their stall in full sight of the *chengguan* without even an attempt to fine them. In reality, the controls do actually have a certain consistency based on the triple discrimination between places, population groups, and times. The *chengguan*, faced with the difficult task of regulating and also, without a doubt, working with limited means, discriminate between spaces considered deserving of protection and those whose appearance is not considered very “modern” and therefore not spoiled by the presence of street vendors. The former spaces are protected by sentry boxes or by a virtually continuous *chengguan* presence, while controls have been virtually abandoned in the latter. Certain population groups, including ethnic minorities, are particularly sensitive politically, and are therefore shown greater tolerance than others. Finally, temporal discrimination distinguishes between different periods of time, and most often comes into play at major political

events when all tolerance is taken away, and times within a given day when tolerance is shown. Therefore, vendors are shown more tolerance during mealtimes than at the end of the working day. The tolerance of the *chengguan* even extends to informally, and illegally, organising night markets, such as in Wudakou.

From the point of view of the *chengguan*, therefore, the controls are highly consistent. However, the tolerance they show in certain situations always remains implicit, and the distinctions at play are never publicly stated, for two main reasons. The first is that any such distinction, just like the tolerance to which it gives rise, is illegal. Indeed, the law is supposed to apply equally to all, and the mission of the *chengguan* is to fight against illegal practices that they witness. Also, their mission is limited to applying the law, and they cannot issue official permits; this power remains in the hands of the Commerce and Industry Bureau (*gongshang ju*). Moreover, it is in the interests of the *chengguan* to be able to modify their control practices as they see fit, and they may therefore not wish to make them public, for this would make it difficult to change them. The direct consequence of the fluid, even erratic, nature of controls on street vendors, and also of the circulation of stories describing violent confrontations between the *chengguan* and street vendors, is that the latter group continue to harbour a great deal of distrust for the former, and consider the way they are managed to be especially harsh. They are therefore constantly on the alert and ready to flee, and they develop sales practices in reaction to the *chengguan* controls. The interactions between street vendors and the *chengguan* have therefore not been soothed in the slightest by the transformation of these purportedly “more humane” control practices. The inherently conflictive nature of these interactions, linked to the repressive mission of this administration, is without a doubt accentuated by the unpredictability of *chengguan* controls. It can therefore be argued that, paradoxically, the flexibility of these controls increases their conflictive nature, explaining why the violent scenes reported by the media continue to occur.

■ Translated by Will Thornelly.

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