



**Ambivalent Insurgencies: Citizenship, Land Politics, and
Development in Hanoi and Its Periurban Fringe**

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Ambivalent Insurgencies: Citizenship, Land Politics, and Development in Hanoi and Its Periurban Fringe

Abstract

This article examines the Vietnamese state's ambivalence towards insurgent assertions of urban citizenship in and around Hanoi. In the 1980s and 1990s, it tolerated the lawbreaking construction of self-built housing in the city centre and eventually extended self-builders land use rights for their extralegal claims. In the 2000s and 2010s, however, the state violently cracked down on periurban villagers using insurgent strategies to resist the expropriation of their agricultural land for master-planned real estate developments. I suggest that the insurgency of self-builders precipitated a regime of graduated land use rights wherein the informal, extralegal claims of self-builders have been more respected than the formal, legal claims of periurban villagers. I ultimately argue that the state's ambivalent responses to insurgency result from its pursuit of a materially shifting ideology of developmentalism. I also find that the success of insurgency derives from how the interests of citizens, the local state, and the national state align and realign with one another.

Keywords: Informality, Housing, Politics, Development, Land Use, Citizenship

Introduction

State authority in Vietnam has long been circumscribed by everyday resistance, the sociocultural significance of which is embodied in the proverb '*phép vua thua lệ làng*': the law of the king yields to the rules of the village. Part of Vietnam's long tradition of agrarian rebellion, subtle non-compliance enabled peasants to contest violations of their moral economies and make demands upon non-democratic rule (Scott, 1976). Despite the pro-peasant

orientation of the communist government, peasants continued using strategies of everyday resistance like absenteeism and encroachment to express opposition to collective farming in the 1960s and 1970s, playing an important role in its eventual abandonment (Kerkvliet, 1999). In the 1980s and 1990s, this dynamic was prominent in the flagrant law violations of Hanoi's booming self-built housing sector, but in the 2000s and 2010s, similar resistance from periurban villagers facing land expropriation has largely failed. Few issues in contemporary Vietnam generate as much popular resistance or media attention as land expropriation, yet the state coercively enforces it despite its previous tolerance of far more visible affronts to its authority. I ultimately ask why self-builders in Hanoi's city centre have been able to successfully challenge state authority, but periurban villagers have been violently expropriated while doing so.

In this article, I explore this discrepancy in terms of urban citizenship and examine why it has been unevenly extended in Hanoi. The vast majority of the city comprises densely packed, self-built homes built with little regard for planning and building regulations: a 1997 estimate suggested that as much as 90 percent of all construction in Hanoi was in some way illegal (Koh, 2004: 340). Through negotiations with local-level state officials, self-builders have been able to violate the laws of an authoritarian state while receiving little pushback (Koh, 2004; Tran and Yip, 2017). Moreover, they have since been able to claim land use rights certificates (LURCs).¹ On the periurban fringes of Hanoi, however, there have been violent confrontations in recent years over the state revoking villagers' agricultural land use rights to build master-planned *khu đô thị mới* (new urban areas, hereafter KĐTMs). In one case, the Văn Giang incident, agricultural land 10 kilometres southeast of Hanoi's city centre was to be used to build Ecopark, one of the largest KĐTMs in the country. In 2012, 3,000 villagers refusing

¹ LURCs are essentially equivalent to ownership, as all land in Vietnam is owned by the state.

to vacate their land clashed with 2,000 police officers and saw their agricultural fields bulldozed (Labbé, 2015). Featuring residential towers and shopping malls set along wide streets, the KĐTMs that occupy these contested sites are a stark departure from the perceived disorder of the city centre. The state uses these projects to not only generate profit for closely affiliated private and parastatal developers (Han and Vu, 2008), but also to replace vernacular modes of urban and rural life that do not comport with its vision for modernisation (Labbé, 2016).

Much as Hsing (2010) argues of China, the governmentality of the Vietnamese state after *đổi mới* (renovation) – the market-based economic and political reforms undertaken by the Communist Party starting in 1986 – has been inextricably shaped by sociopolitical contestations over urban development, and the ambivalent outcomes of urban and periurban citizenship insurgencies jointly demonstrate how Vietnam's state-society relationship has been negotiated. I thus use these seemingly contradictory cases to elaborate upon two conceptions of citizenship: Holston's (2008) insurgent citizenship and Ong's (2006) graduated citizenship. The advancement of extralegal forms of urbanisation like self-building, Holston and Appadurai (1996: 197) note, 'create[s] new kinds of rights outside of the normative and institutional definitions of the state and its legal codes' such that 'the development of the economy itself fuels the growth of citizenship'. At the same time, as I argue in this article, state recognition and cooptation of insurgently expanded rights can reduce the effectiveness of future rights mobilisations; in tandem, economic development can provide the basis for the national state to simultaneously expand and graduate rights according to how they align with hegemonic interests and ideologies.

I argue that the state's ambivalent responses to insurgency result from its pursuit of a materially shifting ideology of developmentalism (see Shin and Kim, 2016). I use the term developmentalism in order to move beyond relatively apolitical notions of infrastructure

upgrading implied by the term ‘development’, thereby capturing its ideological expression ‘as a process that includes the production of space in multiple dimensions, including [...] space in the form of abstract imaginaries (in the sense of planning and ideology), everyday perceptions, and lived experience’ (Doucette and Park, 2018: 3). Indeed, Schwenkel (2020) clearly demonstrates the ideological power of housing production as a form of developmentalist nation-building in Vietnam, arguing that the ‘transformative materiality’ (2) of mass housing in post-war Vinh constituted a ‘twofold project of material and ideological construction – manufacturing cities and the people with appropriate affect displays who inhabited them’ (18). Crucially, this future-oriented ideological affect of developmentalism mobilises both state and society actors to attain an idealised modernity characterised by material prosperity and social order.

I ultimately suggest that (peri)urban land use contestations represent the conflicting and shifting interpretations of developmentalism held by actors at various sociopolitical scales and that the outcomes of such contestations are determined by how the interests of citizens and local state officials align with those of the national state. To make this argument, I begin with an analysis of insurgent and graduated citizenship and illustrate how those models operate in the Vietnamese context. Next, I outline my methodology and sources, which entail a mixture of interviews, laws and regulations, and media reports. I then detail my findings: first, self-builders – inadvertently aligned with the national state’s vision for development that in the 1980s and 1990s simply meant putting people in housing – attained land use rights through quiet insurgency but in so doing precipitated more neoliberal ideals of development in the 2000s and 2010s; second, periurban villagers have failed to retain agricultural land use rights and secure better compensation for expropriation, as the corruption-prone development models of KĐTMs have meant the interests of local officials align more closely with the hegemonic interests of the national state than citizens’ interests do; and third, this difference has emerged

as a result of the national state's continued promotion of an ideology of developmentalism, the material of expression of which has markedly changed alongside Vietnam's rapid economic growth. Finally, I synthesise my arguments and reflect on the critical importance of bottom-up insurgency to top-down developmentalism in Hanoi as the state at all levels moves to increase its control over urban development. Understanding this relationship between insurgency and developmentalism is crucial in contexts where temporally differing paradigms of economic growth drive asynchronous expansions in citizenship claims from below and state capacity from above.

Transposing insurgent and graduated citizenship to Hanoi

State-society relations in Vietnam

First, it is necessary to contextualise insurgent and graduated citizenship within the evolution of state-society relations in Vietnam since *đổi mới* began in 1986. In its wake, increasing openness has inspired somewhat more defiant forms of resistance and in turn expanded political space. In 1997, for example, a wave of protests swept across Thái Bình province, roughly 50 kilometres southeast of Hanoi. The rural inhabitants of the province were dissatisfied with the corruption of local officials, whose near-total authority in allocating land use rights likely sowed the seeds of discontent (Nguyen, 2016). The following year, the state issued Decree 29/1998/NĐ-CP to promote democratic governance, marking the experimental adoption of grassroots democracy (*dân chủ ở cơ sở*) or what Wells-Dang (2010) calls 'rice-roots' democracy. The decree stipulates public consultation on a variety of issues – including land use plans and compensation for site clearance – before a final decision is made. Even if the formal mechanisms of public notice and deliberation are rarely influential in practice (Peláez Tortosa, 2012), the political space the decree has opened up has encouraged public contestation of localised issues in Hanoi like a public park redevelopment plan (Wells-Dang,

2010) and a tree-felling plan (Gillespie and Nguyen, 2019). The initiative thus serves as a striking example of the dialogical character of Vietnamese lawmaking identified by Kerkvliet (1999).

With regard to the actual implementation of laws, state-society relations in Vietnam can be conceptualised in terms of a flexible rescaling of state authority that Vietnam's history of resistance forces to coexist alongside community-based forms of regulation. Illustrating this diffuse and oftentimes contradictory state authority, Gillespie (2011) highlights the tension between community traditions and legal formalism in the settlement of urban land disputes. Prior to *đổi mới*, legal disputes were to conform to 'socialist legality', which promoted the law as a tool for social management, emphasising discretionary, contextually relevant solutions. The 1990s, however, saw a move towards a 'law-based state' (*nhà nước pháp quyền*). Gillespie finds that despite increasing pressure to strictly enforce the law, judges tend to recognise extralegal bases of property rights in order to maintain the social relevance of the legal system alongside community self-regulation. Vietnam's dialogical – if not exactly democratic – lawmaking thus indicates that the state's legitimacy has long been negotiated through its conformity to local moral economies and self-regulatory structures. The increasing top-down pressure faced by judges, however, reflects how the various arms of the state governing land use are multifariously embedded both in local sociopolitical contexts and bureaucratic hierarchies. Throughout this article, I thus distinguish between a national state responsible for lawmaking (comprising the National Assembly, the legislative body, and the Ministry of National Resources and Environment, the executive body) and a local state responsible for enforcement (comprising ward- and commune-level People's Committees and Fatherland

Fronts).² Following Brenner (2004), I ultimately suggest that in recent decades, the national state has been rescaling its authority to more directly intervene in (peri)urban land governance in order to usurp the bottom-up scale of developmentalism articulated by the local state and citizens through dialogical lawmaking and individually negotiated enforcement.

A quieter insurgent citizenship

Turning to the peripheries of São Paulo, Holston (2008) conceptualises the dialogical relationship between extralegality and political change as an insurgent assertion of urban citizenship. Considering ‘citizenship as a relation of state and society’ (2008: 9), Holston argues that self-builders’ increasing involvement with the law – in their efforts to legalise their extralegal land use – led them to view their claims in terms of rights, creating new spheres of participatory action and rights-claiming (i.e. grassroots mobilisation). In turn, these societal shifts became institutionalised in law and policymaking, helping to facilitate Brazil’s democratisation in the mid-1980s. Holston thus rejects a functionalist view of the law and instead argues that illegality and extralegality are inextricable features of the law as it is actually practised and socially constituted. Consequently, the law serves less as a mechanism for ensuring compliance with state authority than as a set of tools for claiming citizenship rights. Holston (2008: 203) thus characterises land law as ‘an instrument of calculated disorder by means of which illegal practices produce law and extralegal solutions are smuggled into the judicial process’, echoing Gillespie’s (2011) study of land disputes in Hanoi. Ultimately, insurgent citizenship serves as an expression of state-society relations in which extralegality –

² Wards (*phường*) are the lowest level of administration in Vietnam’s urban areas. The rural equivalent is the commune (*xã*). The Fatherland Front is the umbrella group for Vietnam’s mass organisations, the Party-run equivalent of civil society organisations.

itself the product of the state's power to define what constitutes legality (Roy, 2005) – reflexively reshapes the law.

Notably, the study of such insurgence has largely been limited to democratic contexts like Brazil (Friendly, 2020), India (Roy, 2009), and South Africa (Miraftab, 2009). Nonetheless, Koh's (2004) work on wards in Hanoi provides a clear illustration of how quietly insurgent dynamics enabled self-builders to claim a right to housing. Though the Vietnamese case lacks the grassroots mobilisation that figures prominently in many of the aforementioned cases, it evinces crucial similarities, namely the power of extralegal self-building to push back on the putative authority of the state as embodied in its planning codes and, in turn, remake the law. Examining the sociopolitical strategies of the urban poor in more authoritarian contexts in the Middle East, however, Bayat (1997) proposes the 'quiet encroachment of the ordinary' as an atomised, non-confrontational mechanism of asserting extralegal claims to urban citizenship. Illegal land occupation in Cairo and Tehran, Bayat (1997: 57) argues, proceeds as the 'silent, patient, protracted, and pervasive advancement' of everyday life, a strategy necessitated by an authoritarian political system. This concept is crucial for understanding how insurgent practices have unfolded in Vietnam: in the political context of a one-party state that criminalises dissent, the act of rebuilding illegal dwellings overnight after they had been torn down by the state, as Koh (2004) observed, illustrates a quiet insurgency that materially defies the state – in the national capital, no less – without directly challenging it.

In China, meanwhile, O'Brien and Li (2006: 2) illustrate the logic of subverting an authoritarian state through 'rightful resistance' that by necessity 'employs the rhetoric and commitments of the powerful' and 'hinges on locating and exploiting divisions within the state' to effect change while avoiding punishment. In Hanoi, Koh (2004) notes that ward officials, as deeply embedded members of the small communities they administered, were particularly susceptible to neighbours' moral claims to a right to housing, particularly in the midst of a post-

war housing shortage exacerbated by market liberalisation. These appeals clearly demonstrate the power of Holston's (2008) 'rights talk' as a basis for navigating the legal system and ultimately legalising extralegal claims. Moreover, with ward officials' job security dependent upon retaining popular support for the state and preventing complaints from reaching higher levels of administration, the Vietnamese case highlights a key technique of rightful resistance – using the bureaucratic fissures of the state against itself – as a quieter mechanism for attaining an expanded bill of rights. Though the mechanisms of insurgency in Hanoi may differ from those in São Paulo, both cases powerfully link illegal construction and extralegal claims with expanded citizenship rights and subsequent legal change.

At the same time, however, the failure of quiet insurgency on Hanoi's periphery suggests insurgent citizenship may have actually facilitated the development of a regime of graduated citizenship, which Holston argues insurgency works to destabilise. Indeed, Holston (2008: 258) acknowledges that this byproduct of personalising rights is inherent to insurgent citizenship: the success of case-by-case negotiation over property rights depends upon privileges like the ability to pursue indefinite litigation or having the right connections. As Roy (2009: 85–86) notes of promoting a propertied conception of citizenship, 'an insurgent city [is] one where the very legal basis of informality has been challenged by the urban poor, and yet it is also an exclusionary city where the poor recreate the margins of legality and formality'. Harms (2012) similarly contends that the property rights attained by Vietnamese self-builders have created the conditions for neoliberalism and fed into the efforts of international institutions like the World Bank to promulgate market-driven ideology in the Global South. The commodification of self-builders' insurgently claimed land use rights can then be said to pave the way for the expropriation of periurban villagers for the sake of property-oriented redevelopment.

An ideologically graduated citizenship

The differential extension of urban citizenship to city centre self-builders and periurban villagers in Hanoi, meanwhile, resembles Ong's (2006) conceptualisation of graduated citizenship. Ong (2006: 77–78) argues that graduated citizenship is a governing technology of the neoliberal state, which no longer considers the national territory a unified space for development, leading to the differential governance of populations according to their calculated value to global markets. Ong (2006: 6) thus notes that gradations in citizenship rights serve to protect the interests of citizens and 'exclude non-citizens from the benefits of capitalist development'. In Hanoi, for example, the exceptions embodied in the individualised negotiations to claim land use rights confer benefits to self-builders; the lack of such exceptions for periurban villagers resisting expropriation allows the state to exclude them from the true market value of their land. Ong (2006: 84) contends that this differentiation is born of the state's conscious 'neoliberal calculation to invest in and insert groups differently into the processes of global capitalism'. Ong's conception of citizenship thus highlights the state's ability to rearticulate atomistic citizenship rights according to its own hegemonic interests.

In Singapore, Teo (2015) notes that the city-state has introduced gradations to the prices of new public housing projects in order to allow its upper middle class to realise aspirations of living a higher status, global city lifestyle not available in its otherwise homogenous public housing. Teo (2015: 230) argues that the Singaporean state graduates citizenship 'to maintain the relevance of its productive citizens to its global city ideology', illustrating that graduated citizenship can be productively deployed to analyse cases where gradation has less to do with citizens' value to global markets than citizens' alignments with hegemonic ideologies. In Hanoi, urban citizenship is most explicitly graduated through land laws, which endow urban land with stronger use rights than rural land. Land has a dual-price framework (Truong and Perera, 2011) in which the government annually publishes a schedule of land prices

deliberately set below market value that is then used to determine compensation for expropriation. The discrepancy between the two prices is the most marked for the agricultural land at the edges of Vietnam's rapidly growing cities and has been instrumental for the profitability of KĐT development (Labbé and Musil, 2014). As with Singapore's public housing, it is debatable whether these gradations in land use rights have much to do with neoliberalism, the applicability of which in Vietnam is hotly contested (Schwenkel and Leshkowitz, 2012). Nonetheless, this state-sponsored land profiteering serves as an example of contemporary Vietnam's paradoxical 'bricolage of neoliberal precepts and classic top-down power' (Harms, 2012: 410). If Vietnamese neoliberalism can be conceptualised in tandem with state power, then the national state's ideology of developmentalism could serve as the discursive impetus for graduating land use rights.

Though graduated citizenship may serve as an effective conceptualisation of how Vietnam's land use rights regime operates on Hanoi's periphery, it fails to explain the success of self-builders in the city centre in obtaining land use rights. Self-builders in the 1990s certainly do not appear to have been allied with hegemonic interests or ideologies, nor would they have been particularly prized by the national state. Though it may have instantiated a neoliberally aligned form of propertied citizenship (see Roy, 2003), the success of self-builders' quiet insurgency cannot easily be framed as the result of neoliberalism – either directly, as with Ong (2006), or indirectly, as with Teo (2015). Nonetheless, the degradation of citizenship rights for periurban villagers, as users of the most potentially valuable land, comports with Ong's framework insofar as their lack of potential labour value to achieving developmentalist goals incentivises their expropriation. In this case, neoliberal calculations of citizens' value to developmentalism rest upon both citizens' potential labour value and the symbolic, ideologically constructed use and exchange values of their property: though the exchange value of periurban agricultural land is clearly a key driver of expropriation,

developmentalist ideology also views the agricultural livelihoods of many periurban villagers as less valuable than self-builders' livelihoods, which then translates into perceptions of the value of extant periurban land use and a lack of respect for the legal rights to such use.

Methodology

This article draws from a content analysis of 73 news articles and 47 laws as well as six remote, semi-structured interviews with researchers of Vietnamese land politics. Of the six researchers, two were foreign, and four were Vietnamese. I conducted three 30- to 45-minute interviews via Zoom, and I conducted three interviews via email; all but one was conducted in English. Given my focus on the ability of self-builders in the city centre to effect changes in Vietnamese law and claim land use rights, analysing laws and regulations made for a natural methodological choice. I compiled 47 laws and regulations issued between 1980 and 2020, comprising three constitutions, eight laws (high-level legislative frameworks), 23 decrees (legislation that amends or guides the implementation of laws), and 13 other regulations and resolutions. Given how prominently extralegal activity figures into my research, the substantial gaps between the letter of the law and the actual practice thereof may make a content analysis of laws seem like a questionable methodological choice. As Holston (2008: 24) argues, however, 'Even when other factors animate the performance of citizenship, their efficacy is in some fashion grounded in its legal framework'. Indeed, analysing laws indicates how the law responds to that which it defines as outside of it.

In order to understand how expropriation and resistance has unfolded on the ground in recent years, I analysed media reports, which could provide perspectives on specific events somewhat – but not entirely – independent of the state's. Though news organisations in Vietnam are all state-owned, reporting on contentious, attention-grabbing land issues has become increasingly permitted (Kim, 2011). In fact, several outlets were highly critical of the

state's actions during the Văn Giang incident and even criticised corrupt land management practices writ large (Labbé, 2015). I then collected articles from three newspapers with pertinent coverage: *Tuổi Trẻ* (*Youth*, Vietnam's most widely circulated newspaper), *Pháp luật* (*Law*), and *Nông nghiệp* (*Agriculture*). I searched each newspaper's online archives back to 2004 using the following keywords: *nhà ở tự xây* (self-built housing), *xây dựng trái phép* (illegal construction), *quyền sử dụng đất* (land use rights), and *thu hồi đất [khu đô thị mới]* (land expropriation [new urban areas]). This process yielded 73 relevant articles. It should also be noted that as a result of this research being undertaken remotely during the COVID-19 pandemic, the sources used here are heavily biased towards the perspective of the national state, which correspondingly limits my analysis of the local state and (peri)urban citizens.

The ambivalence of the developmentalist state

Self-builders and insurgency

With American bombing campaigns and market liberalisation giving rise to the dual challenges of reconstruction and rural-urban migration, housing was sorely needed in Hanoi in the 1980s. Housing production was supposed to be the exclusive province of the local state, but it simply did not have the capacity to keep up with demand, leaving self-building and encroachment as the only options for non-state employees to actualise their right to housing – a right explicitly endowed by the 1980 constitution. As previously mentioned, self-builders frequently employed this guarantee as a form of rightful resistance to evade or negotiate punishments for illegal construction. In the 1992 constitution, however, this right was changed to 'the right to build housing according to zoning regulations and the law'. On the surface, it appears as though the national state was limiting the right to housing and attempting to crack down on self-building. At the same time, however, the change marks a move from an abstract notion of a right to housing to a more precise definition constitutionally enshrining a mode of

housing production that had previously been illegal but widely practised. The national state was thus ceding its *de jure* monopoly on housing production by recognising the *de facto* dominance of quietly insurgent self-building, demonstrating its strategy of institutionalising extralegal activity in order to regulate it.

Just as self-builders' strategies to actualise their right to housing became incorporated into Vietnam's legal framework for housing production, the local and national states also capitulated to self-builders' extralegal claims to land use rights, as demonstrated by numerous measures in the 1990s and 2000s to effectively provide amnesty for encroachment and make the issuance of LURCs faster and easier (see Hạnh Liên, 2010). Starting with 1994's Decree 88-CP, the national state allowed households to be considered for an LURC so long as the land use was compatible with extant urban development plans, the land was not subject to dispute, and the land use did not encroach upon public infrastructure, historic sites, or religious sites. Similarly, the 2003 and 2013 land laws both stipulated that land use rights would be granted if the land had been 'used in a stable manner' and was certified by the local People's Committee as such. Moreover, if the stable land use predated the preceding land law, households would not be expected to pay retroactive land use levies. In addition, Hanoi abolished fees for LURC issuance in 2011 as part of the local state's substantial efforts to speed up LURC issuance (Xuân Long, 2011; BTNMT, 2016). Together, these measures highlight the importance of recognising extralegal land use rights claims to both the local and national states' urban governance.

In recent years, the kinds of illegal construction and recognition of extralegal claims that were common in the 1980s and 1990s have decreased alongside Vietnam's economic growth, and official attitudes have increasingly promoted the virtues of harmony and synchronicity in housing production instead. Indeed, the 2013 constitution dropped all references to a right to housing or self-building, only declaring that the state will 'create the

conditions for everyone to have his or her own home'. In addition, the 2013 land law limited the issuance of LURCs for extralegal claims to cases where stable land use began before the 2003 land law took effect. Equivalent cut-offs in earlier laws were only used to determine whether land use levies were owed; LURCs would be issued regardless of when stable land use began. These changes occurred due to perceptions like those of lawyer Đặng Văn Cường (2021), who frames illegal construction as the result of 'loose management' and 'irresponsible leaders'. That the national state has become less tolerant of illegal construction is further evident in the 2009 and 2017 urban planning laws' references to ensuring harmony, conformity, and compliance in urban development. Though insurgent claims to land use rights allowed self-builders to actualise their urban citizenship and shift the legal bases of the national state's housing and land management regimes through contestations with the local state, insurgent practices were not enduring and drew the rebuke of the national state.

Self-building in Hanoi's city centre may have thus opened up greater space for citizens to contest state authority, but its declining prominence reflects not only socioeconomic conditions, but also the inherent contingency of the process. Though this decline in insurgency could well be the result of decreasing tolerance, it is at least partially a function of a decreased need for self-building and land occupation as property markets have matured and city centre residents have benefitted from economic growth. At the same time, interviewees indicated that self-builders' actions created the basis for the national state's construction regulations. Consequently, the national state capitulated to illegal activities and extralegal claims but in so doing legitimated and encouraged the circumscription of such activities. Claiming land use rights ultimately increased self-builders' legibility to the national and local states (see Scott, 1998), precipitating greater national state control over urban development and potentially reducing the effectiveness of quiet insurgency in the future – to say nothing of how the perceived disorder of self-built housing inspired discourses of civility and modernity used to

justify periurban land expropriation for KĐTМ development (Đưong Châu, 2020; see also Harms, 2014).

Periurban villagers and expropriation

At the same time that the national state was recognising the extralegal claims of self-builders in Hanoi's city centre, it was expanding the legal bases for land expropriation. Attempting to stave off expropriation, periurban villagers were met with a local state that was intransigent rather than pliable and a national state that was changing the law against their interests to better facilitate expropriation. As one interviewee suggested, since villagers are almost always unsuccessful at stopping expropriation, they have made compensation the key point of contention. At the heart of the issue is the massive discrepancy between the prices offered to villagers and the market price of the land. Though the 1992 and 2013 constitutions specify that compensation should align with market prices, Truong and Perera (2011: 35) found in Ho Chi Minh City that market prices were two to 12 times higher than government prices. One journalist calculated that in the Văn Giang incident, the developer stood to profit US\$1.5 billion from building Ecopark; with initial compensation offers of 10,000 VND/m² and final compensation offers of 135,000 VND/m², compensation would have totalled no more than US\$37 million (Vũ, 2012).

Interviewees noted that periurban villagers have become increasingly aware of this calculus, so they almost universally hold out for better compensation using methods learned from one another. Even then, compensation typically remains unjust – one interviewee indicated that the market price of the Văn Giang land would have been at least 2 million VND/m² – with the local and national states allied in their refusal to cede the astronomical rent gaps underlying promote KĐTМ development. In lieu of providing for more equitable compensation mechanisms, the national state has attempted to appease periurban villagers by

introducing one-off supports like life stabilisation payments through laws such as Decree 22/1998/NĐ-CP and Decree 47/2014/NĐ-CP, but these supports neglect the importance of their agricultural land for sustaining their livelihoods long-term: they cannot compensate for the fact that this land often serves as collateral to access informal credit for villagers' businesses – agricultural or otherwise. In 2009, Decree 69/2009/NĐ-CP introduced financial supports for job changes and vocational training, but as one interviewee noted, villagers often lack the preexisting skills necessary to take advantage of these programmes. Rather than accede to demands for better compensation, the state at all levels forces periurban villagers to accept only temporary supports with long-term pay-offs that are far from guaranteed; it thus regards their right to land as an instrument for ensuring social reproduction as lesser than that of city centre self-builders.

Just as the national state has adopted legislation expanding the legal bases of expropriation, it has also provided measures for its coercive enforcement. The first mention of coercion in cases of expropriation appears in the 2001 revision of the 1993 land law, which allowed the agencies that approved the compensation plan to decide whether to enforce expropriation coercively. Ironically, the 2013 land law stipulates that expropriation enforcement be 'conducted in in a public, democratic, objective, orderly, safe and lawful manner', referencing earlier grassroots democracy initiatives. Though the national state clearly wants to avoid provoking unrest, it leaves the door open for more subtle forms of coercion: the 2013 land law also compels the local People's Committee and Fatherland Front to 'mobilize and persuade the land users to cooperate' with expropriation decisions. As one interviewee noted, this 'persuasion' often begins well before any compensation plans are finalised, with the leaders of expropriation resistance and their families receiving anonymous, sometimes violent harassment. The harshness of this reaction thus indicates that the local and national states have

graduated their tolerance to (peri)urban citizens mobilising for land use rights both in legislation and in practice.

The national state has long been well aware of periurban villagers' plight and the resistance expropriation decisions can precipitate – a 2006 directive (05/2006/CT-TTg), for example, instructs competent bodies to carry out expropriation following 'the principle of "for the interests of the people"' so as not to 'cause new complicated problems' – yet it has not accommodated periurban villagers' demands as it did with city centre self-builders. In particular, the national state has identified the market-government price gap as a frequent barrier to KĐT development, with a 2019 resolution (82/2019/QH14) calling for government prices to be set more in line with market prices, but no changes have been made. In fact, Decree 06/2020/NĐ-CP mandates that compensation plans include the expected progress of the plan and a timeline for transferring the land, perhaps indicating that the local state should plan around potential resistance rather than offer fairer compensation. The national state thus prioritises artificial rent gaps over the livelihoods of periurban villagers in order to execute its developmentalist vision. An important caveat to this discussion is that, as other researchers have noted (DiGregorio, 2011; Potter and Labbé, 2021), many villagers welcome KĐTMs as harbingers of Vietnam's modernisation, only taking issue with the compensation, not the expropriation itself. Nonetheless, this support demonstrates the hegemony of the national state's ideology of developmentalism. In harshly denying the claims of periurban villagers – even those who support KĐT development – but not city centre self-builders, the national state has thus graduated land use rights in service of a hegemonic ideology as well as capital.

The ideology of developmentalism

An ideology of developmentalism has long been central to the discursive politics of Vietnam's urban planning (see Schwenkel, 2020), and a key reason for the differential

treatment of city centre self-builders and periurban villagers contesting expropriation has been changing implications for what that actually looks like on the ground. Self-building served as an immediate, practical solution to the post-war, post-đổi mới housing shortage, but as one interviewee noted, ‘it was far from the ideal of the state even then’. As Vietnam’s economy rapidly grew through the 2000s, self-built housing no longer constituted development, instead embodying incivility and chaos (Dương Châu, 2020). Counterposed against these perceptions, KĐTMs are seen as the solution to building an orderly, modern city, to say nothing of the investment benefits that the Communist Party promoted in the case of Ecopark (ĐCSVN, 2013). The National Assembly has thus praised increasing control over urban development, arguing, ‘A spacious and modern urban system has been formed, [and] the urban appearance has changed markedly’ (Resolution 82/2019/QH14). Then, in October 2020, General Secretary Nguyễn Phú Trọng – Vietnam’s highest-ranking leader – called on Hanoi’s government to aggressively pursue development and ‘build Hanoians who are elegant, civilised, modern, and respectful of the law’ (Dương Châu, 2020). Recognising the insurgent land use rights claims of self-builders was thus a matter of practical necessity for the state to pursue industrialisation and development in the 1980s to and 1990s, but since then, expropriating periurban villagers to build KĐTMs has become the most effective strategy to do so.

This pursuit of development not only entails the remaking of periurban space in the state’s image of modernity, but remaking periurban villagers themselves into productive industrial workers and consumers. Most periurban agriculture in Hanoi is subsistence wet rice farming, so expropriation also serves the state’s rural development goals in moving towards industrialised agriculture (Văn Hùng et al., 2014). Multiple interviewees thus indicated that the national state views periurban agriculture as backward and does not understand why villagers would resist ‘progress’ and the chance to move into an industrial or service occupation. For the national state, then, pressing ahead with expropriation for KĐTМ development effectively kills

three birds with one stone: it can build a ‘modern’ urban environment, convert inefficient agricultural land to a ‘higher and better’ use, and shift villagers to more productive activities. This lattermost goal is particularly evident in the state’s choice to introduce more and more supports for vocational training while neglecting the compensation issue. Where the pre-đổi mới national state’s attempts to build mass housing delivered the material benefits of property to rural-urban migrants as ‘explicitly civilizing projects to turn backward peasants into modern urban workers’ (Schwenkel, 2020: 168), KĐTMs marginalise periurban villagers and instead channel the material benefits of redevelopment to the sociospatially privileged urban middle classes.

These discursive explanations of the state’s ambivalence towards insurgency only capture the ideology the national state projects; explaining these outcomes in terms of the local state’s practice of tolerance or coercion requires an examination of the differing motives of local-level officials. In the city centre, ward officials tolerated the insurgent claims of self-builders so as to avoid rebuke from superiors for violating local moral economies during a housing shortage. In addition, lawbreaking self-builders could negotiate a ‘fine’ (i.e. bribe) to be paid to officials. KĐT development changes this balance of power by introducing another more powerful actor into the mix: private and parastatal developers. One interviewee reported that, in addition to grease money, developers often promise local officials a few housing units in the new development; given Hanoi’s skyrocketing real estate prices – even on the periphery – these units offer periurban officials massive windfalls hitherto unimaginable in an agricultural community. Moreover, periurban officials have few if any opportunities for personal financial gain other than land conversions, whereas city centre officials have far more lucrative opportunities than penalising self-builders. These differing political economies of corruption ultimately highlight the inherent ambivalence and contingency of citizenship insurgency, which positions some citizens better than others to claim their rights.

The gradation of land use rights has ultimately been structured by shifting alignments among the insurgent interests of society, the ideology of the national state, and the practice of the local state. In the 1980s and 1990s, the state's ideology of development and modernisation could be expressed by housing its rapidly growing urban populations by liberalising markets; its practice of local administration constituted individualised negotiations over moral claims to a right to housing. The interests of self-builders and their insurgent claims prevailed because they aligned more closely with national state's ideology – if only because the state lacked the resources to fulfil it itself – forcing local officials to fall in line and accept extralegality. As economic tides changed in the 2000s, reducing the need for self-building and increasing state capacity to pursue orderly, modern urban development, the locus of insurgency shifted to the periurban fringe and sharply diverged from the national state's new ideology of economic development embodied in the consumerist trappings of sleek, orderly KĐTMs. Local practice was then reshaped by a new set of incentives brought by KĐTMs and their developers: the infrastructure of corruption that animates Vietnamese urban development (Kim, 2020) has made the enforcement of expropriation a priority for the local state regardless of the resistance it routinely incurs. These incentives align perfectly with the national state's ideological image of urban and rural development: building an orderly city and phasing out subsistence agriculture. The graduated tolerance of insurgency thus derives from how its goals align with the national state's: in this case, the rules of the game are discursively set by the national state's ideology; its practice is then contested through the complex linkages embedding the local state within society, ultimately calling into question just how insurgent self-builders really were if their success partially depended upon the national state's priorities.

Conclusion

Mobilising insurgent and graduated citizenship to explain the seeming contradictions in Hanoi's land management practices ultimately reveals a critical conceptual linkage between the two: insurgent citizenship illustrates how land use rights are differentially negotiated and thus graduated through grassroots contestations of the local state's practice, and graduated citizenship uncovers the periurban ramifications of insurgently claiming a propertied form of citizenship in the city centre amid shifts in the national state's ideology of development. Though this case affirms the importance of the state and hegemonic ideology in determining the success of citizenship insurgencies, it is more that the state complied with self-builders' needs than the other way around. Self-builders only aligned with the national state's ideology insofar as their actions appeared to be the most practicable route to achieve 'development' at a particular moment in Vietnam's economic history. As those goals were achieved – albeit imperfectly – graduating citizenship emerged out of the ensuing sociopolitical realignments as a strategy to remake both periurban space and periurban livelihoods in the new image of modernity. Moreover, the physical form of self-builders' insurgency has served as a discursive justification for building modern KĐTMs at any cost. As the practice of insurgency necessitates individualised negotiations with local officials, its effectiveness is then graduated according to how citizens can align themselves with the national state's ideology of developmentalism, distinctly disadvantaging periurban villagers.

In the absence of any meaningful democratisation, the rights secured by self-builders in Hanoi were largely limited to their historical context. At its core, then, this case presents a quieter articulation of insurgent citizenship wherein the key characteristics are extralegal rights claiming and resultant legal changes that derive from the material fact of self-building. It also makes a temporal intervention into Holston's (2008) thesis: even if extralegal self-building makes citizens into agents of urbanisation (Caldeira, 2017: 5), this agency is not necessarily durable, both in terms of the actors themselves and the strategies they employ. Indeed, as

Caldeira (2017: 15–16) writes of self-building, ‘precariousness, irregularity, and illegality may constitute the present condition under which [self-builders] urbanize vast areas of the city, but are not permanent conditions’. As insurgent strategies became increasingly necessary for periurban villagers – who are far more peripheral to the urban process and the national state’s developmentalist goals – rather than city centre self-builders, the balance of negotiating power changed. The realignments of the interests of citizens and the various arms of the state in Hanoi thus underline the inherent contingency of a mode of citizenship requiring constant negotiation, as changing historical conditions have constrained the practicability of insurgency.

I would also argue that these moves represent an effort on behalf of the national state to co-opt and supplant the notion that ‘the law of the king yields to the rules of the village’ (*phép vua thua lệ làng*). By institutionalising the rules of self-built urban ‘villages’, the state could strengthen the social relevance of its laws and secure the support of the upwardly mobile urban middle classes upon which it has become most dependent for its legitimacy. In appealing to middle-class notions of order and civility (Harms, 2014), KĐTMs development has emerged as the contemporary sociospatial solution to ensure the more politically valuable allegiance of urban middle classes to the detriment of economically unproductive periurban villagers. As economic growth enabled the national state to rescale its authority to encompass housing production, it has used KĐTMs as a scalar fix to uncontrolled, individualised self-building and in so doing reconfigured the dialogical state-society relationship (see Brenner, 2004). Indeed, this graduated citizenship is embedded within a broader conflict between the Vietnamese state’s professed goals of implementing grassroots democracy – explicitly including the realm of land management – and moving towards a law-based state. Legalising extralegal claims as part of a temporary social contract served as the most pragmatic route for legitimating the stricter application of the law in the future, indicating that insurgent citizenship was actually quite central to the national state’s long-term developmentalist goals.

This allegiance between insurgency and national developmentalism reflects the latter's widespread ideological power, with the state at all levels simultaneously responsible for the promulgation of this ideology and reliant upon its realisation in order to maintain political legitimacy. This case ultimately demonstrates how actors at various scales have pragmatically articulated a widely shared ideology of developmentalism in conflicting, ambivalent ways. For the national state, articulating this ideology meant flexibly rescaling its authority, first turning a blind eye to extralegal self-building and then adopting land laws that retroactively legalised self-building and graduated the strength of land use rights claims for periurban villagers. Strikingly, developmentalist imperatives and changing economic tides have led the Vietnamese Communist Party to recast the agrarian livelihoods of many periurban villagers, once the symbolic backbone of the nation, as impediments to the realisation of this ideology. For the local state, meanwhile, adhering to developmentalism entailed a shift from capitulating to self-builders' housing needs in order to maintain political legitimacy (from above and below) to strictly enforcing land laws in order to reap economic gains and attend to the national state's rescaled authority over housing production. For self-builders, articulating developmentalism meant insurgently claiming a right to housing, and for periurban villagers, it means securing just compensation for relinquishing their land to the realisation of developmentalist ambitions according to a potentially bygone paradigm of dialogical state-society relations.

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References

- Bayat A (1997) Un-civil society: The politics of the ‘informal people’. *Third World Quarterly* 18(1): 53–72.
- Brenner N (2004) *New State Spaces: Urban Governance and the Rescaling of Statehood*. Oxford: Oxford University Press.
- BTNMT (Bộ Tài nguyên và Môi trường [Ministry of Natural Resources and Environment]) (2016) Hà Nội đẩy nhanh tiến độ cấp giấy chứng nhận quyền sử dụng đất [Hanoi accelerates the granting of land use right certificates]. *Tuổi Trẻ*, 21 May. Available at: <https://tuoitre.vn/ha-noi-day-nhanh-tien-do-cap-giay-chung-nhan-quyen-su-dung-dat-1104739.htm> (accessed 24 July 2021).
- Caldeira TP (2017) Peripheral urbanization: Autoconstruction, transversal logics, and politics in cities of the global south. *Environment and Planning D: Society and Space* 35(1): 3–20.
- DiGregorio M (2011) Into the land rush: facing the urban transition in Hanoi’s western suburbs. *International Development Planning Review* 33(3): 293–319.

Doucette J and Park BG (eds) (2018) *Developmentalist Cities? Interrogating Urban Developmentalism in East Asia*. Leiden: Brill.

Dương Châu (2020) Tổng Bí thư, Chủ tịch nước: Yêu cầu với Hà Nội phải cao hơn, mạnh hơn [General Secretary, President: what is demanded of Hanoi must be higher and stronger]. *Nông nghiệp*, 12 October. Available at: <https://nongnghiep.vn/tong-bi-thu-chu-tich-nuoc-yeu-cau-voi-ha-noi-phai-cao-hon-manh-hon-d274986.html> (accessed 6 July 2021).

Đặng VC (2021) Luật Đất đai hiện hành có những bất cập nào? [What are the drawbacks of the prevailing Land Law?]. *Pháp luật*, 2 June. Available at: <https://baophapluat.vn/luat-dat-dai-hien-hanh-co-nhung-bat-cap-nao-post396595.html> (accessed 6 July 2021).

ĐCSVN (Đảng Cộng sản Việt Nam [Communist Party of Vietnam]) (2013) Ecopark và quá trình đô thị hóa nông thôn ở Hưng Yên [Ecopark and the urbanisation of rural areas in Hưng Yên]. *Đảng Cộng sản Việt Nam*, 13 December. Available at: <https://dangcongsan.vn/kinh-te/ecopark-va-qua-trinh-do-thi-hoa-nong-thon-o-hung-yen-222441.html> (accessed 6 July 2021).

Friendly A (2020) Insurgent Planning in Pandemic Times: The Case of Rio de Janeiro. *International Journal of Urban and Regional Research*. Epub ahead of print 22 December 2020. DOI: 10.1111/1468-2427.13000.

Gillespie J (2011) Exploring the Limits of the Judicialization of Urban Land Disputes in Vietnam. *Law & Society Review* 45(2): 241–275.

Gillespie J and Nguyen QH (2019) Between authoritarian governance and urban citizenship: Tree-felling protests in Hanoi. *Urban Studies* 56(5): 977–991.

- Goldman M (2011) Speculative Urbanism and the Making of the Next World City. *International Journal of Urban and Regional Research* 35(3): 555–581.
- Han SS and Vu KT (2008) Land Acquisition in Transitional Hanoi, Vietnam. *Urban Studies* 45(5-6): 1097–1117.
- Hạnh Liên (2010) Hà Nội kiến nghị cho dân nợ lệ phí trước bạ nhà đất [Hanoi proposes that people owe land registration fees]. *Tuổi Trẻ*, 7 April. Available at: <https://nhadat.tuoitre.vn/ha-noi-kien-nghi-cho-dan-no-le-phi-truoc-ba-nha-dat-372384.htm> (accessed 6 July 2021).
- Harms E (2012) Neo-Geomancy and Real Estate Fever in Postreform Vietnam. *Positions: Asia Critique* 20(2): 405–434.
- Harms E (2014) Civility's Footprint: Ethnographic Conversations about Urban Civility and Sustainability in Ho Chi Minh City. *Sojourn* 29(2): 223–262.
- Holston J (2008) *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil*. Princeton: Princeton University Press.
- Holston J and Appadurai A (1996) Cities and Citizenship. *Public Culture* 8: 187–204.
- Hsing YT (2010) *The Great Urban Transformation: Politics of Land and Property in China*. Oxford: Oxford University Press.
- Kerkvliet BJT (1999) Dialogical Law Making and Implementation in Vietnam. In: Tay A (ed) *East Asia: Human Rights, Nation-Building, Trade*. Baden-Baden: Nomos, pp. 372–400.
- Kim AM (2011) Talking Back: The Role of Narrative in Vietnam's Recent Land Compensation Changes. *Urban Studies* 48(3): 493–508.

- Kim H (2020) Corruption as Infrastructure: Rendering the New Saigon Global. *International Journal of Urban and Regional Research* 44(6): 1057–1071.
- Koh D (2004) Illegal construction in Hanoi and Hanoi's wards. *European Journal of East Asian Studies* 3(2): 337–369.
- Labbé D (2015) Media Dissent and Peri-urban Land Struggles in Vietnam: The Case of the Vãn Giang Incident. *Critical Asian Studies* 47(4): 495–513.
- Labbé D (2016) Critical reflections on land appropriation and alternative urbanization trajectories in periurban Vietnam. *Cities* 53(2016): 150–155.
- Labbé D and Musil C (2014) Periurban Land Redevelopment in Vietnam under Market Socialism. *Urban Studies* 51(6): 1146–1161.
- Miraftab F (2009) Insurgent Planning: Situating Radical Planning in the Global South. *Planning Theory* 8(1): 32–50.
- Nguyen HH (2016) *Political Dynamics of Grassroots Democracy in Vietnam*. New York: Palgrave Macmillan.
- O'Brien KJ and Li L (2006) *Rightful Resistance in Rural China*. Cambridge: Cambridge University Press.
- Ong A (2006) *Neoliberalism as Exception*. Durham: Duke University Press.
- Peláez Tortosa AJ (2012) Grassroots Democracy in Rural Vietnam: A Gramscian Analysis. *Socialism and Democracy* 26(1): 103–126.
- Potter C and Labbé D (2021) Gentrification or ...? Injustice in large-scale residential projects in Hanoi. *Urban Studies* 58(12): 2456–2472.

- Roy A (2003) Paradigms of Propertied Citizenship: Transnational Techniques of Analysis. *Urban Affairs Review* 38(4): 463–491.
- Roy A (2005) Urban Informality: Toward an Epistemology of Planning. *Journal of the American Planning Association* 71(2): 147–158.
- Roy A (2009) Why India Cannot Plan Its Cities: Informality, Insurgence and the Idiom of Urbanization. *Planning Theory* 8(1): 76–87.
- Scott JC (1976) *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press.
- Scott JC (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.
- Schwenkel C (2020) *Building Socialism: The Afterlife of East German Architecture in Urban Vietnam*. Durham: Duke University Press.
- Schwenkel C and Leshkowitz AM (2012) How Is Neoliberalism Good to Think Vietnam? How Is Vietnam Good to Think Neoliberalism? *Positions: Asia Critique* 20(2): 379–401.
- Shin HB and Kim SH (2016) The developmental state, speculative urbanisation and the politics of displacement in gentrifying Seoul. *Urban Studies* 53(3): 540–559.
- Teo SSK (2015) Rethinking graduated citizenship: Contemporary public housing in Singapore. *Geoforum* 65: 222–231.
- Tran HA and Yip NM (2017) A Regime of Informality? ‘Informal housing’ and the state-society relationship in transitional Vietnam. *Trialog* 123(4/2015): 20–30.

Truong TT and Perera R (2011) Consequences of the two-price system for land in the land and housing market in Ho Chi Minh City, Vietnam. *Habitat International* 35(1): 30–39.

Văn Hùng, Nguyễn Huân, and Minh Phúc (2014) Muốn công nghiệp hóa đất nước phải hiện đại hóa được nông thôn [In order to industrialise the country, it is necessary to modernise the countryside]. *Nông nghiệp*, 16 May. Available at: <https://nongnghiep.vn/muon-cong-nghiep-hoa-dat-nuoc-phai-hien-dai-hoa-duoc-nong-thon-d125305.html> (accessed 26 July 2021).

Vũ QV (2012) Phân tích dự án Văn Giang [Analysis of the Văn Giang project]. *Pháp Luật thành phố Hồ Chí Minh*, 16 May. Available at: <https://plo.vn/kinh-te/phan-tich-du-an-van-giang-60562.html> (accessed 6 July 2021).

Wells-Dang A (2010) Political space in Vietnam: a view from the ‘rice-roots’. *Pacific Review* 23(1): 93–112.

Xuân Long (2011) Hà Nội bỏ thu lệ phí cấp đổi giấy chủ quyền nhà đất [Hanoi removes the fee for the exchange of land title certificates]. *Tuổi Trẻ*, 9 February. Available at: <https://nhadat.tuoitre.vn/ha-noi-bo-thu-le-phi-cap-doi-giay-chu-quyen-nha-dat-423799.htm> (accessed 6 July 2021).