

## Writing on the Great Walls: Hidden Transcripts of Radical Graffiti in China

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### Abstract

This article challenges popular perceptions of graffiti in China, which depict the practice as non-subversive, apolitical, and widely tolerated by authorities. Against this perspective, which we label “discontinuity thesis,” we argue that Chinese graffiti remains tied to its global counterparts through its (subversive) constitutive link with the law. Our argument develops in two stages. First, we provide a methodological critique of existing studies that rely heavily on interviews. We argue that such approaches systematically obscure what James C. Scott refers to as the “hidden transcripts” of resistance. Drawing on immersive fieldwork and “deep hanging out,” we highlight stories from Chinese writers that reveal a clandestine world of risk, secrecy, and legal entanglements, which contradicts the sanitized accounts typically given in public. These narratives underscore graffiti’s persistent identity as an illicit activity, upheld by informal codes of silence and fueled by defiance. Secondly, we provide a legal analysis of the frameworks governing graffiti in China. While no statute specifically addresses graffiti, broad provisions such as Articles 275 and 293 of the Criminal Law of the People’s Republic of China, as well as Article 17 of the *Regulations on the Administration of City Appearance and Environmental Sanitation*, provide ample legal grounds for prosecution. By examining an exemplary case, we demonstrate that, far from being in a legal grey area, doing graffiti in China can result in severe penalties, including criminal charges. Taken together, these findings demonstrate that radical graffiti in China persists—not as a separate, benign practice, but as part of the global continuity of writing defined by its subversive core.

### Keywords

Graffiti; China; Subversion; Hidden transcripts; Illegality; Chinese law

### 1. Introduction

Is there graffiti in China? This inquiry tackles one of graffiti scholarship’s most fundamental but largely unquestioned assumptions: that graffiti writing is a single, continuous global practice connected together by shared codes, rituals, goals, and aesthetic norms that transcend local settings. Call it the *continuity thesis*. From this perspective, local variations—such as a preference for walls over trains, or for tags rather than more elaborate styles (Iveson, 2010)—may shape the practice, but they do not alter its core. What remains

intact, above all, is graffiti’s teleo-normative dimension, in particular its constitutive link with the law (Baldini, 2018).

Recent scholarship on graffiti in China has challenged this assumption. Many authors contend that Chinese graffiti diverges fundamentally from its Western counterpart (Bisceglia et al., 2024; K. Li, 2025; Valjakka, 2011, 2014, 2016): they are two different creative practices. According to this *discontinuity thesis*, graffiti in the Middle Kingdom is not perceived or produced as

an act of rebellion, but instead as apolitical aesthetic expression largely tolerated by authorities. Far from originating in vandalism, Chinese graffiti is often framed as an art form detached from the law: its “*zero degree*” (Brighenti, 2010, p. 318) is not the unauthorized piece, we are told, but sanctioned and beautifying decoration.

In this essay, we take issue with the discontinuity thesis and argue that, in its literal sense, it is false. This is not to deny the value of earlier contributions: prior scholarship has provided insightful discussions of the commercialization and institutionalization of graffiti in China, as well as careful historical accounts of its official trajectories. Our contribution concerns what these mainstream narratives have left out, namely, the radical core of graffiti in China, which continues to maintain a constitutive subversive relationship with the law.

We assert that, despite its unique circumstances, graffiti in China cannot be entirely categorized as a distinct practice separate from worldwide parallels, including its origins in the United States. Instead, its persistent, rebellious, and unsanctioned aspect maintains a connection with graffiti in various situations. In this way, graffiti in China is a local variation of a global activity rather than a different creative practice with a divergent teleo-normative framework.

Our critique advances along two complementary avenues. First, in section 3, we question the methodological foundations of previous accounts, which have relied heavily on interviews with writers in China. In contrast, in section 4, we present our ethnographic research, which uncovered “hidden transcripts” (Scott, 1990). These are offstage narratives of resistance and dissent that emerge only in trusted settings and point to an alternative story still rooted in vandalism and rebellion. Second, in section 5, we present legal evidence that has been overlooked in previous literature, including a pivotal example of criminal prosecution of graffiti writers in China. We begin, in section 2, with a review of the current literature on Chinese graffiti.

## 2. A Review of the Literature on Chinese Graffiti

Let us briefly summarize the mainstream account of graffiti’s origins, a story that is by now widely circulated and almost universally known: Graffiti writing—also known as subway art, aerosol art, or contemporary graffiti—first emerged in the 1960s in the northeastern United States, with Philadelphia often cited as its birthplace and Cornbread celebrated as its founding figure. What began as the simple act of name writing quickly developed into what Austin (2010, p. 35) has described as “*the most important*” art movement of the 20th century. During its growth, the practice generated new styles and aesthetic imaginaries, crystallizing into three main forms of name writing. These remain, despite later avant-garde innovations, such as the work of Taps & Moses and Zelle Asphaltkultur, the core of what is fundamentally a calligraphic practice: tags, the monochrome signatures often dismissed as trivial but recognized by writers as the true measure of virtuosity (Chastanet, 2015); throw-ups, bubble letters filled with one or two colors; and pieces (or burners), highly elaborate works that reached their formal apex with the intricate and interlocking designs of wildstyle.

A notable characteristic of writing culture is its structuring into crews: generally homosocial organizations where participants acquire knowledge through informal mentorship regarding the aesthetic and social norms governing the craft (Avramidis & Drakopoulou, 2012; Baldini, forthcoming). Peer acknowledgment serves as a primary motivator inside these groups. The aspiration for respect compels writers to enhance their skills and embrace risks. Even individuals who favor anonymity recognize the esteem associated with those who attain street fame. In this sense, the existence of a crew and its members is governed by two primary criteria: style (formal quality) and *getting up* (the continuous quantitative effort to mark various areas to enhance visibility and notoriety).

Getting up is inherently linked to legal considerations. Producing graffiti on a large scale is practically impossible while requesting permission. Graffiti’s spontaneous (Baldini, 2021), unsanctioned (Bacharach,

2015; Bengtsen, 2014) or “self-authorized” (Blanché, 2015, p. 34) nature renders it spatially disruptive and constitutively related to the law. In many current legal systems, tags are the epitome of vandalism; writers face high fines and even incarceration (Baldini, 2022). While it is beyond the scope of this essay to precisely clarify the link between graffiti and the law, we can confidently state that contempt for public space regulations is at the heart of the practice. According to Brighenti (2010, p. 318), as already mentioned, “illegality represents the *zero degree* of the practice of writing.”

The outlaw nature of graffiti is not incidental but fundamental for writers themselves. They typically consider “making a train” (Brighenti, 2010, p. 318)—the act of clandestinely entering rail yards at night to paint on a train’s car—as the authentic gateway into the culture and its most esteemed expression. In this regard, this friction with the law differentiates graffiti from other visual expressions created in the city’s public spaces, which can be termed urban creativity; without its illicit nature, the practice would forfeit its fundamental identity.

As mentioned, scholarship on Chinese graffiti that has been published thus far largely refutes this account when discussing the movement’s historical development in the Middle Kingdom. Of course, there is stylistic continuity between Western and local writing styles: writers painting in China, whether foreign or local, have adopted the aesthetic of graffiti’s origins, focusing on tags, throw-ups, and pieces. According to Bisceglia et al. (2024), “Chinese graffiti has undoubtedly always imitated Euro-American style” (p. 23). The most original development is the occasional incorporation of Chinese characters (Valjakka, 2011, p. 84). However, the similarities between the two art forms end here, on the surface.

In effect, these accounts of Chinese graffiti have claimed that they are not subversive: their “primary aim is beautification of the urban space, not rebellion” (Valjakka, 2011, p. 75). In this sense, this local version of spray-can calligraphy has moved beyond its defiant origins and into a period of aesthetic legitimization. In

this sense, “functions of Chinese graffiti do not include rebellion, but individual expression and embellishment of urban spaces” (Bisceglia et al., 2024, p. 23). According to this historical narrative, Chinese writers use walls as canvases on which to express themselves artistically, rather than conflicting with dominant spatial control policies, as their Western counterparts do.

According to this picture, Chinese writers’ non-confrontational attitude results in the loss of the constitutive link with the law that distinguishes original graffiti. According to Valjakka (2011), in effect, whether “graffiti is illegal is actually an unclear issue” (p. 83). Her ethnographic research reveals that writers are divided on the issue, with some claiming that there are no laws against graffiti. And, unlike what happens to writers arrested and sentenced in many other countries, there seem to be no harsh penalties for graffiti in China.

By considering these important discontinuities, these accounts conclude that “Chinese graffiti writing has been emptied of its underground nature” (Bisceglia et al., 2024, p. 21). The local graffiti scene has received substantial support from the contemporary art community since its inception, leading to its recognition primarily as an art form (Valjakka, 2011, p. 78). In China, according to previous scholarship, graffiti is then perceived as a legitimate form of artistic expression, particularly by the creators, rather than an act of vandalism (Bisceglia et al., 2024, p. 22). It lacks any subcultural implications aimed at challenging the mainstream; from this perspective, graffiti has become the mainstream itself.

As anticipated in the introduction, our intention is not to dismiss these accounts as entirely useless or misleading. On the contrary, they provide valuable insights into the commercialization and institutionalization of graffiti in China, and much of what they describe is accurate: a significant portion of graffiti in the country does indeed function as decoration, cultural branding, or sanctioned public art. Yet, in a deeper sense, these accounts are also misrepresentative, not for what they say but for what they leave out. As we shall see in section 5, a strand of graffiti in China persists in embodying the movement’s original spirit—illicit, risky, and subversive—thereby

maintaining the constitutive link with the law mandated by the continuity thesis. This radical dimension, though frequently obscured and rarely recognized, is essential to the practice and warrants ongoing scholarly focus. In the following section, we present a methodological critique of existing scholarship on graffiti in China, which may be applicable to graffiti scholarship more broadly.

### 3. Against Interviews: A Methodological Critique and Proposal

Generally, Bisceglia et al. (2024), Valjakka (2011, 2014, 2016), and Li (2025)—despite potential discrepancies in other areas—converge on employing ethnographic research as a preferred methodology for extracting insights primarily from interviews, some of which are likely structured while others are more informal, conducted in person or via email with writers engaged in China, encompassing both local and foreign practitioners.

Schacter (2024) briefly questions the widespread methodological reliance on interviews as a means of “‘extracting’ ‘data’” (p. 11) from graffiti writers. Here, we aim to develop a more sustained critique—one that, in our view, applies not only to studies of Chinese graffiti but to street art scholarship more broadly. Too often, researchers depend heavily on writers’ responses to direct questions. This reliance is problematic for several reasons, as we will outline shortly, but it is also somewhat disingenuous: by presenting interview material as authoritative, scholars can deflect criticism under the guise of appealing to the supposedly unquestionable authority of the artist.

Scholars of ethnography have long warned against an overreliance on interviews as the primary means of understanding social practices. As Geertz (1973) emphasized, culture is best grasped not through elicited statements but through the “thick description” of situated action. What individuals say about their practices often diverges from what they actually do in everyday contexts. Interviews therefore risk collecting rationalizations, retrospective justifications, or idealized self-presentations rather than capturing the contradictions and tacit dimensions of lived practice.

This concern has been echoed by Bourdieu (1990), who stressed how interviews frequently reproduce official discourses rather than revealing the unspoken logic of practice.

This methodological concern is powerfully exemplified in the study of graffiti writers. In our experience, writers often have a set of stock replies that align with subcultural ideals, which they readily deploy during interviews. For instance, when asked about the role of fame, a standard response—epitomized by writer Skeme’s legendary retort to his mother in *Style Wars*—is to claim a pure, esoteric motivation: that they write only for the approval of peers and are indifferent to the wider public. This carefully curated narrative creates a potent myth; however, it directly contradicts the fundamental logic of their practice, which is physically and essentially geared toward securing the most visibly prominent spots to achieve maximum public audience and impact (Baldini, 2023).

In addition, other anthropologists such as Clifford and Marcus (1986) fundamentally challenge the idea that an interview is a transparent window into another person’s experience, arguing instead that it is a co-produced narrative deeply mediated by power, history, and language. Their critique targets ethnographic realism for obscuring the messy realities of fieldwork and the interviewer’s role, advocating instead for a reflexive approach that experiments with writing to acknowledge the constructed nature of all accounts.

This criticism is crucial for understanding how interviews with graffiti writers can obscure the co-production of knowledge. I find it potentially problematic that a legal scholar like Bonadio (2023) interviews many writers who appear sympathetic to his idea of extending copyright to graffiti, just as a conservator like Garcia (2022) may easily find voices supporting restoration. These positions need not be pre-existing truths but are often co-produced in the interview dynamic, shaped by the interviewer’s framing, the writer’s perception of the researcher’s goal, and a mutual desire for legitimization. To take these statements as simple, transparent facts is to ignore the power of the interaction; instead, we must

acknowledge this co-production and critically examine how our own scholarly positions and questions shape the very answers we receive.

Interviews also tend to privilege articulate, reflective, and linguistically adept respondents, as noted by Rabinow (1977), thereby skewing representation toward those best able to narrativize their experience. It is obvious that the method produces a selection bias towards those who like to talk and can articulately frame their actions within a compelling narrative. This tendency risks overlooking writers who may be less reflective or verbally skilled but whose embodied knowledge and experiential expertise are equally, if not more, valid.

A poignant example from the Chinese context illustrates this: Bisceglia et al. (2024) provide extensive interviews with Gas, a self-identified writer from Chengdu who is highly poetic and articulate. However, our own fieldwork revealed—when casually discussing their book with a prominent writer active in China who must remain unnamed not simply due to the scene's contentious internal politics, but also for reasons that I will clarify later—that Gas is not widely recognized as a prominent figure within the radical graffiti community. In this regard, his eloquence enabled him to establish an authoritative presence in the ethnographic record, a position that other, less articulate yet more prominent writers did not hold, thus skewing the outsider's comprehension of the scene's genuine hierarchy and values.

In repressive or authoritarian contexts, as Ortner (2006) has argued, interviews are especially vulnerable to censorship and self-censorship: informants may conceal sensitive details or tailor their answers to protect themselves. This dynamic is particularly acute in China, where the threat of severe legal punishment is compounded by a deep social stigma and a culture of shame associated with any encounter with the law. Under such circumstances, it is unrealistic to expect that a truly radical writer would candidly disclose their full repertoire of clandestine practices in the artificial setting of an interview. Studies of graffiti in China that rely predominantly on interviews therefore risk overlooking precisely those dimensions of the practice that are most

subversive, radical, and hidden.

Consequently, we have chosen to inform our methodology with insights from ethnographers like Lavie et al. (1993), who emphasized the significance of immersion, a concept Geertz (1998) referred to as “deep hanging out,” and Scott (1990), who characterized it as the retrieval of “hidden transcripts”—the stories, jokes, and narratives of dissent that emerge solely in intimate, trusted environments. Baldini has invested more than a decade in cultivating relationships with writers in China, forming friendships and collaborations with many practitioners. This research has involved hundreds, if not thousands, of hours of interaction in everyday contexts, where direct questions about graffiti or a writer's personal experiences were deliberately avoided. Instead, relevant themes emerged spontaneously, often in casual conversations over meals, during shared activities, or in the course of ordinary life.

In the subsequent section, we present selected instances in which hidden transcripts were disclosed. For ethical considerations, we consistently refrain from utilizing the names or tags of the writers with whom we directly engaged. Many Chinese spray-can calligraphers employ identical tags in both illicit and authorized, including state-sponsored, projects. Given the diminutive scale of the graffiti scene in China—where estimates suggest there are only about a hundred artists nationwide—it would be relatively straightforward to identify individuals, potentially resulting in severe consequences for them. Ensuring the protection of our interlocutors necessitates complete anonymity.

We acknowledge that the hidden transcripts presented herein lack evidential robustness in a strict sense: they are profoundly contextual, reliant on trust, and influenced by Baldini's positionality as a foreign academic living in the Middle Kingdom. Yet, they were crucial in shaping the direction of our inquiry, pointing us toward the legal dimensions of graffiti in China. It is in that domain—the analysis of statutes and the examination of concrete legal cases—that we will find the hard legal evidence that supports and extends the insights derived from these ethnographic encounters. The next section

presents some of the hidden transcripts that inspired our approach.

#### 4. Chinese Graffiti's "Hidden Transcripts"

Scott (1990) introduced the distinction between the public and hidden transcripts to describe dynamics of domination and resistance. The public transcript refers to the official, outward behavior and discourse of subordinate groups when in the presence of those in power. It is typically distinguished by compliance, flattery, or silence—expressions of what is safe to say while under surveillance. In contrast, the hidden transcript emerges offstage, in private spaces, trusted groups, or via coded forms. It includes stories, jokes, songs, rituals, slang, and symbolic actions that express criticism, resentment, and defiance. These expressions rarely challenge authority directly, but they do provide a repertoire of resistance that exists beneath the surface.

Scott (1990, Chapter 7) connects hidden transcripts to *infra-politics*, which he defines as small, often invisible forms of dissent that avoid open confrontation while gradually undermining dominant groups' authority. Rumors, informal networks, anonymous acts, and ephemeral urban interventions are all examples of *infra-politics*. As Baldini (2023) has previously argued, graffiti can be viewed as a paradigmatic form of *infra-politics*, or everyday resistance: a symbolic practice that, while operating on the fringes of legality, encodes stories of disobedience in ways that may be hidden from official scrutiny but legible to insiders.

In the Chinese context, this distinction is particularly instructive: many writers publicly embrace the mantra "graffiti is art, not vandalism." They have had a significant impact on current scholarship by providing this safe public transcript. However, as we shall see, they use hidden transcripts to reveal their continued involvement in unauthorized painting and their support for the practice's rebellious nature. In the remainder of this section, we will briefly discuss three hidden transcripts, or three stories of different writers who engaged in unauthorized activities, professed an interest in thrill-seeking, risk-taking, and potentially illegal activities in

order to satisfy their expressive urge, and vented their preoccupation with disclosing their legal problems.

##### 4.1. Hidden Transcript #1: "Welcome to Graffiti"

The first hidden transcript is from W1, a graffiti writer living in a major Chinese city who now runs a successful design company. Baldini met W1 through a mutual friend W2 and in their first conversations, W1 reiterated a common refrain: unlike in the West, graffiti in China has always been "just art," never a form of vandalism or rebellion. For the majority of the morning when they met, conversations revolved around commercial projects, shared interests, and potential collaborations, with little indication of a subversive edge to his practice.

It was only later, over lunch, that a different story surfaced. W1 recounted their early days of writing, when W1 was mentored by ROY, a Chinese graffiti writer who had studied in Japan and was, at the time, working in a bank. They would meet at night and go bombing together.<sup>1</sup> On their first outing, W1 and ROY were seen by police, chased through the city, and only escaped by sheer luck. After they were safe, ROY turned to him and said: "Welcome to graffiti." W1 vividly and emotionally remembered the fear, being out of breath, the adrenaline rush, and the sense of freedom W1 felt in that moment. At that point, the practice revealed its radical core: an initiation not through art-making in the conventional sense, but through the embodied experience of risk, illegality, and transgression. Beneath W1's polished commercial persona lies a hidden transcript in which disregarding the law is not an afterthought, but rather an integral part of what it means to be a graffiti writer.

##### 4.2. Hidden Transcript #2: Crew Conflict and Legal Risk

Later in the same lunch, W1 recounted another story that revealed the fragile, subterranean dynamics of graffiti culture in China. W1's crew, Baldini was told, had been in conflict with another group of writers. One night, the rival crew retaliated by spraying silver paint across the windows of the hangout spot where W1's crew usually gathered. The act prompted the involvement of the police, who arrived to investigate the incident.

When questioned, W1 and other crewmembers refused

to identify the perpetrators. This silence adhered to a well-known golden rule of graffiti culture worldwide: never report ("rat out") other writers to the police. However, in this case, it was also motivated by a specific type of fear. Speaking too openly risked revealing their own unauthorized bombing and tagging activities, which could have been discovered once the police started connecting the dots. The officers nonetheless reviewed surveillance footage, identified members of the rival crew, and even went to arrest them. But because the writers were not at their registered address—they had allegedly left for another city—nothing further happened, and the case was quietly dismissed. On one level, the story illustrates how silence serves as both a cultural code and a defensive strategy. This sustains an informal order within the scene, where secrecy and discretion are critical to survival. On the other hand, it provides insight into the peculiarities of the Chinese legal landscape, in which enforcement can appear both thorough and indifferent at the same time.

#### 4.3. Hidden Transcript #3: The Secret Tag and Spirit of Resistance

When W1 asked Baldini about his research, a third hidden transcript emerged. After learning about Baldini's interest in the most radical aspects of the practice, W1 reiterated the well-worn public line that "Chinese graffiti is just art: it's not subversive," echoing a discourse that has become almost formulaic in both official and academic accounts. Later in our conversation, W1 revealed another aspect of the practice that contradicts their initial statement. W1 admitted at some point, amid the noise of children playing, customers coming in, and other people getting their way, that they still bomb in secret, using a private tag that very few people know. W1 keeps photographic records of those works but never shares them online. W1 admitted to deliberately traveling outside of the city, into more anonymous third-tier urban environments, in order to avoid recognition and reduce the risk of arrest. In other words, while complying in public, W1 continues an unauthorized practice in private, treating graffiti as both a source of enjoyment and a means of defiance.

The contrast between W1's initial statements and the subsequent disclosures is a textbook example of Scott's hidden transcript. Outwardly, W1 presents graffiti as safe, sanctioned art, but in trusted contexts, they acknowledge an ongoing commitment to unauthorized writing. A telling moment occurred when W1 showed me their phone, where they had used a translation app to convey two key reasons for continuing their spontaneous work. W1 wrote in Chinese: "dopamine" (*duoba'an* 多巴胺), evoking the thrill and visceral pleasure of writing, and "spirit of resistance" (*fankang jingshen* 反抗精神), confirming graffiti's enduring link to defiance (fig. 1). These expressions exemplify how Chinese graffiti can operate within the authorized realms of legality and commerce while maintaining a radical underground dimension accessible only to those who gain the necessary trust to hear it.

#### 4.4. Hidden Transcript #4: Jail Time

The final hidden transcript comes from W3, a writer based in another Chinese city who is part of a different crew than W1. Baldini's relationship with W3 dates back many years, to when he first noticed W3's throw-ups and those of their while visiting their city. Baldini eventually met W3 through a mutual acquaintance, W4, a former member of the crew. Their friendship grew over time: W3 worked with some of Baldini's students on school projects, and they stayed in touch even after the projects were completed. Years later, while sharing some old graffiti photographs, Baldini inquired as to whether one specific throw-up was W3's. That question sparked a longer discussion about W3's take on the difference between graffiti and street art (fig. 2).

The exchange became more relevant to our topic when Baldini proposed using the photograph in a forthcoming article and asked W3 for permission to do so. W3 agreed, but with one condition: no personally identifiable information be shared. W3 explained that they had previously served time in jail for graffiti, and the consequences of that conviction were still affecting them (fig. 3). Legal issues in China have a long-term impact on a person's daily life, far beyond the period of formal punishment.<sup>2</sup> This disclosure shifted the conversation away from graffiti's aesthetic or commercial dimensions

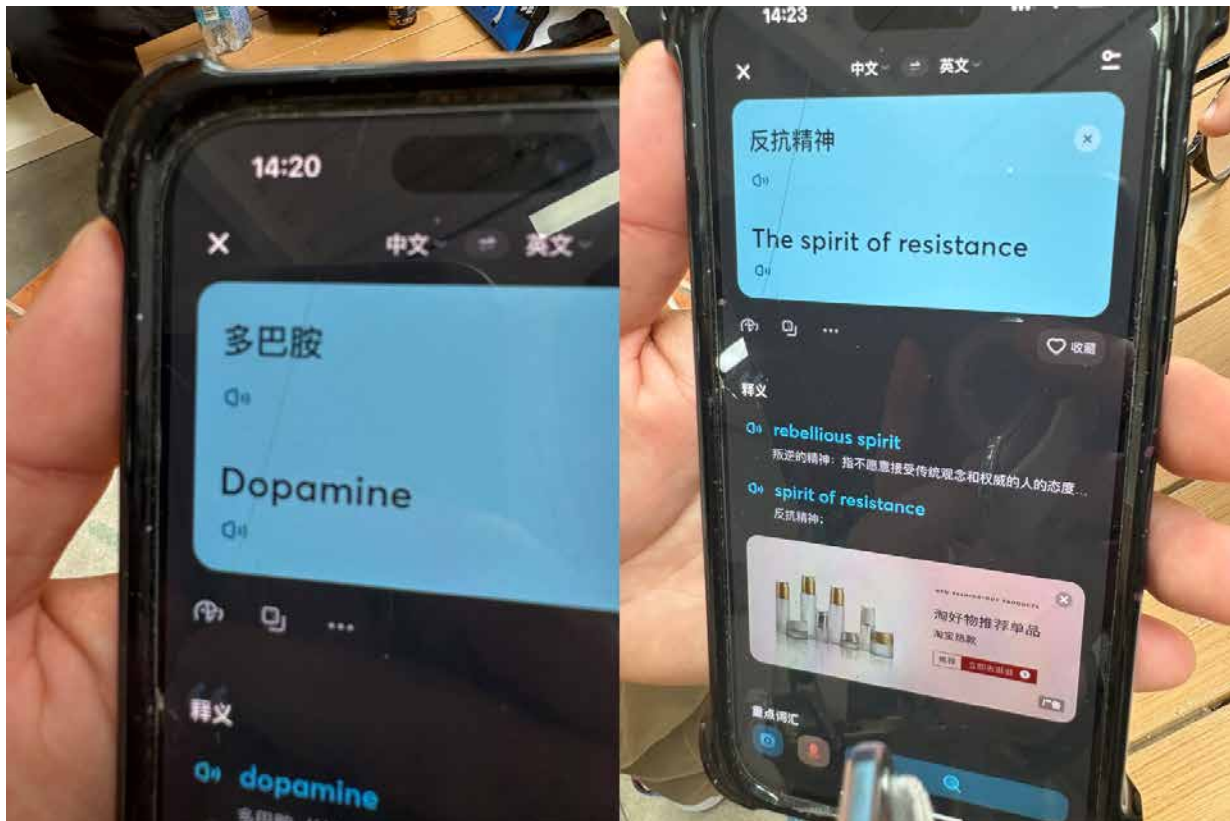


Figure 1. Photos of W1's phone and translator app.

and toward its legal and personal consequences, revealing how the practice leaves long-lasting scars. In this hidden transcript, the subversive edge of graffiti is about more than just the thrill of spontaneity; it is also about the long-term vulnerability it imposes on those who dare to cross the line.

W3's revelations make it difficult to accept the dominant scholarly account of Chinese graffiti as purely decorative, apolitical, or tolerated. People do go to jail for graffiti, and at its core, the practice still entertains a constitutive (and subversive) relationship with the law. This is the dimension that much of the existing literature either ignores or minimizes. To be sure, as we have already acknowledged, the stories collected here are not definitive: they are always subjective, shaped by the trust Baldini developed with individual writers and his own positionality as a foreign researcher in China. However, they point to a recurring undercurrent that complicates the dominant narrative. Most importantly,

these hidden transcripts do not stand alone. As the following section demonstrates, they find support in the legal record. Through an examination of legislation and a detailed discussion of a specific prosecution, we demonstrate how the law is shaping the identity of graffiti in China.

### 5. Graffiti on Trial: The Case of Lin and Ou (2018)

We are well aware that it is objectively difficult for scholars (both Chinese and foreign) to find official records of graffiti-related legal cases in China. And this difficulty is partly to blame for the misleading mainstream narrative that has been painted thus far. In effect, during our research, we discovered that virtually all court files involving convicted graffiti writers are sealed and inaccessible to the public. We couldn't find any trace of W3's case, for example. Our future research may include the writers' voluntary sharing of these (redacted) documents.



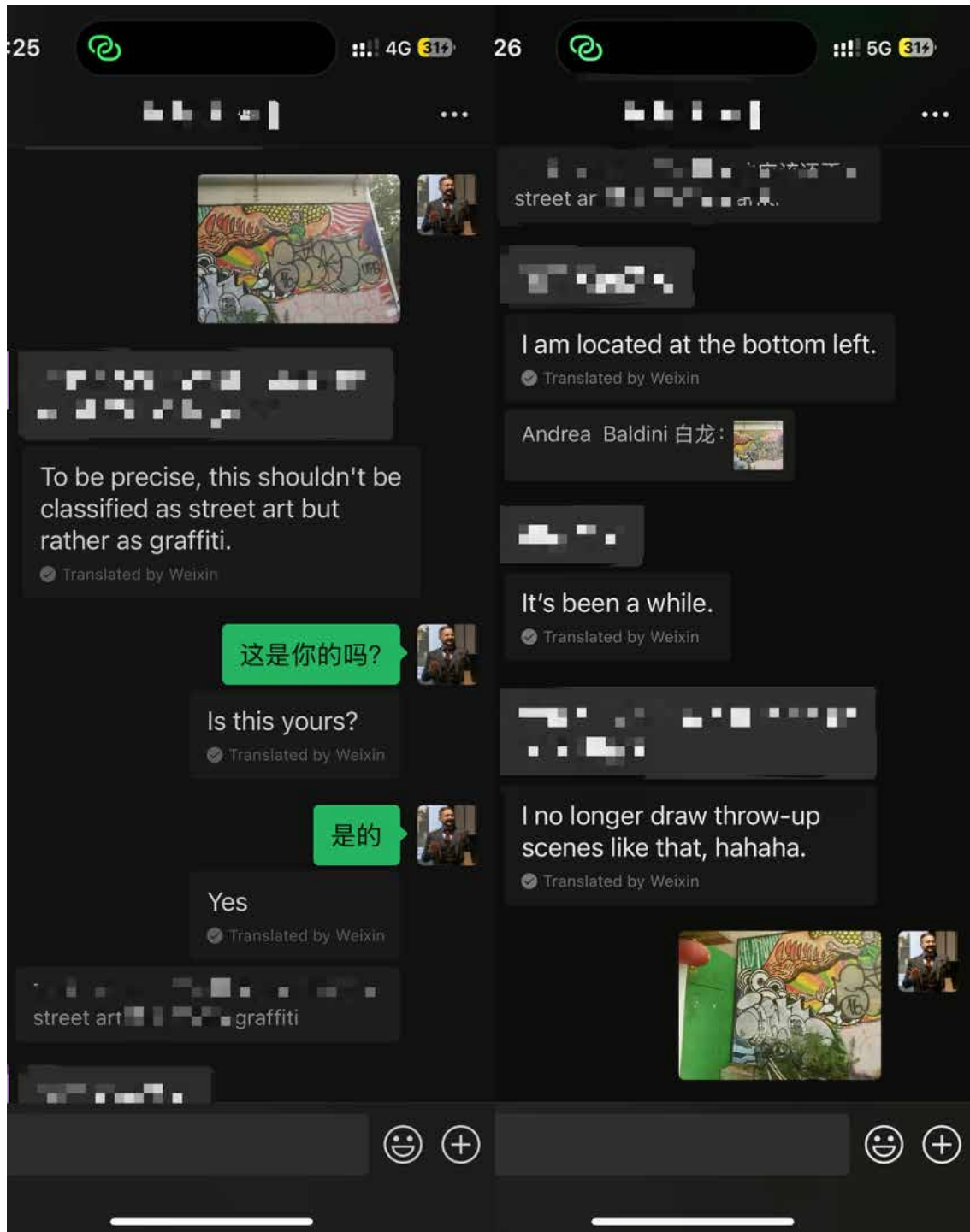


Figure 2. Chat between Baldini and W3.

However, we were able to locate a noteworthy example that provides concrete legal support for our position: the

case of Lin and Ou (2018).<sup>3</sup> While we were unable to access court files directly, including the final judgment, something unusual and significant occurred: due to its

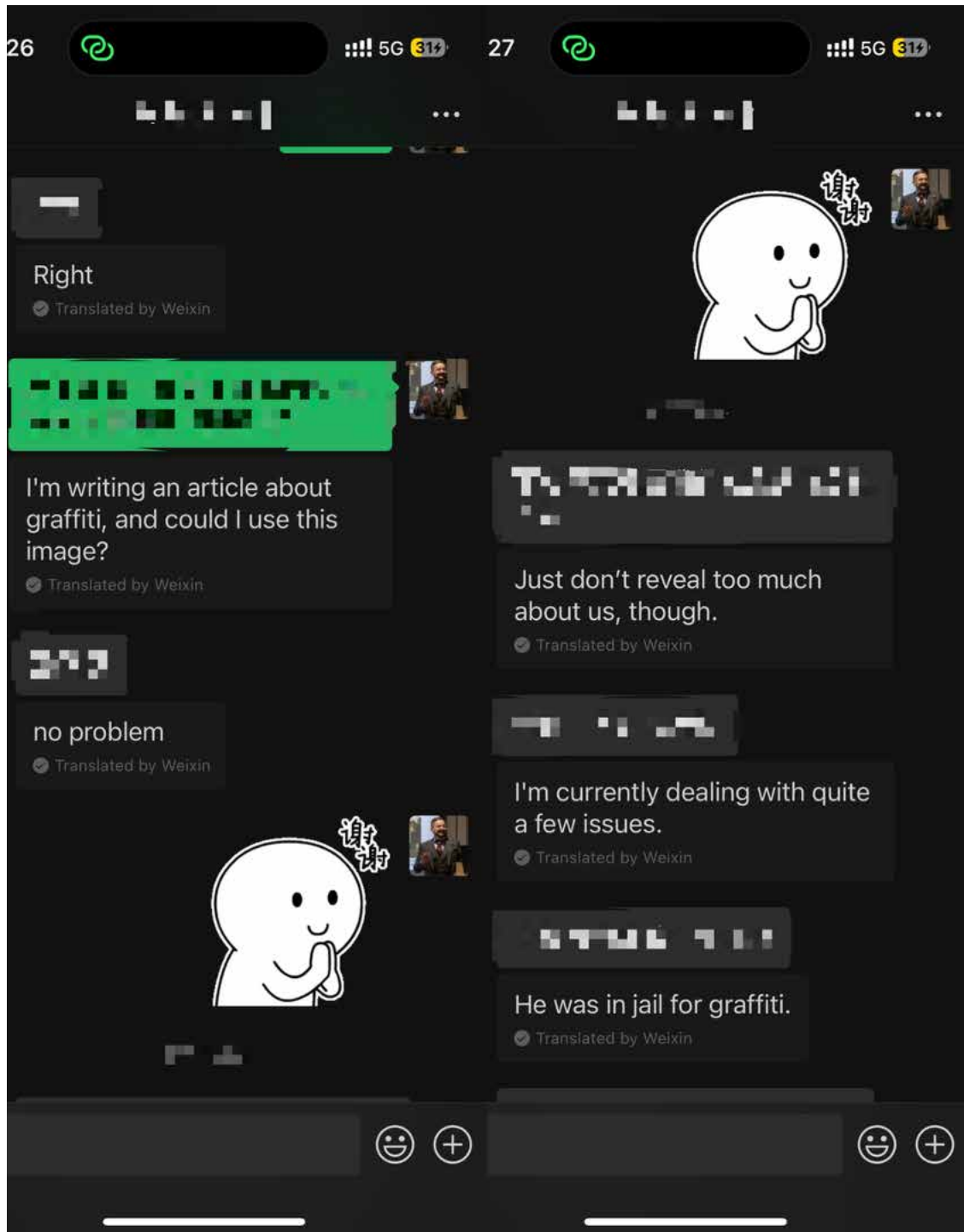


Figure 3. Continuing chat between Baldini and W3.<sup>1</sup>

1 - Note that the last message's automatic translation incorrectly reports "He." The original sentence did not include an explicit subject. By default, translation programs from Chinese to English use the third person singular for the subject. In the original Chinese text, it was clear that W3 was speaking about himself.

legal novelty, the prosecution and surrounding legal and public debates were extensively covered in newspaper and scholarly articles (Huang, 2018; Liu, 2019; Luo, 2024; Wei, 2018). This story is significant because it directly contradicts the idea that the legality of graffiti in China is an “unclear issue” (Valjakka, 2011, p. 83): we establish here unequivocally that, in that context, laws against unauthorized painting exist and are also enforced, proving that, at its core, the practice still has a constitutive and subversive relationship with the law. But let’s get back to the case.

In the early morning of September 12, 2018, Lin (aged 21) and Ou (aged 25) used spray paint to tag over ten locations in downtown Zhaoqing, Guangdong—mostly with stylized signature-like marks characteristic of the graffiti subculture. Police apprehended them. While they were initially detained on suspicion of “intentional destruction of property” under Article 275 of the Criminal Law, the Zhaoqing municipal procuratorate later reclassified the charges.

The final charge, under Article 293, was for “picking quarrels and provoking trouble” (xunxin zishi 寻衅滋事) (Huang, 2018). This was a significant legal development, as Article 293 is a notoriously elastic clause that penalizes conduct that “severely disrupts social order.”<sup>4</sup> Prosecutors argued that the graffiti had caused economic damage (estimated at RMB 5,638) and constituted a form of “public provocation” (Huang, 2018). By shifting the charge from a specific property crime to this ambiguous, broad offense, authorities effectively elevated a simple act of vandalism into a more serious crime of public disorder.

However, the defense—and much of the legal commentary, including that of Liu (2019)—challenged this interpretation. The “picking quarrels” provision typically requires a demonstrable intent to challenge public order or morality, often associated with hooliganism or gratuitous violence. By contrast, Lin and Ou’s actions were arguably driven by aesthetic aspiration and subcultural affiliation rather than by a desire to cause social harm; they targeted derelict infrastructure and, in some cases, even received approval from

property owners. The prosecution’s use of Article 293 was therefore seen by many as a distortion of legislative intent and an example of criminal overreach.

The strong reaction this case drew from both popular media and specialized commentators suggests that criminal prosecution remains a high-stakes but relatively rare penalty for graffiti in China. More commonly, as we shall see in more detail below, administrative regulations provide the everyday mechanisms of governance and are likely applied more frequently to punish writers. Yet the Chinese legal system clearly possesses the tools to pursue graffiti—even under its harshest codes when it chooses to do so.

Due to the absence of a precise definition of ‘graffiti’ in Chinese legislation, any unsanctioned markings are classified as “unauthorized writing” or “polluting the environment” under municipal sanitation protocols. This framing circumvents direct censorship by portraying graffiti as an issue of decorum rather than a matter of expression. At the national level, the *Regulations on the Administration of City Appearance and Environmental Sanitation* serve as the primary legislative framework, with Article 17 specifically forbidding to “scribble or draw on urban buildings, facilities and trees” without authorization.<sup>5</sup> Local restrictions, like those in Shaanxi province, adhere to the same rationale, usually enforcing administrative fines for unapproved markings.<sup>6</sup>

Importantly, these rules do not differentiate between graffiti as artistic expression and other types of public inscription, categorizing it with illicit advertising or informal scribbling. The exclusion of “graffiti-as-art” from the legal framework is not a deficiency but an inherent characteristic of the system. Extensive provisions—specifically Articles 293 and 275 of the Criminal Law and Article 17 of the sanitation regulations—impose potentially severe penalties for graffiti, with Article 293 notably permitting serious criminal charges. This in turn corroborates the insights of the concealed transcripts: Chinese graffiti is still graffiti—at its core unauthorized, perilous, and criminalized.

The consistency of the application of such measures is

a distinct issue. It is worth noting, however, that such selective application of the law is not unique to China. Despite the presence of specific graffiti laws in many Western jurisdictions, prosecution is frequently based on contextual and extra-legal factors. A well-known example is the so-called “Banksy’s law” in the United Kingdom, where the Bristol maverick’s works are typically left alone and rarely investigated, reflecting decisions influenced as much by cultural value as by legal codes (Baldini, 2017). Similarly, in Italy, the 2022 case of Blu also illustrates this dynamic. The street artist, accused of painting a large mural in support of the *No Tav* movement, was acquitted after the judge determined that the work was not vandalism but artistic expression. The court stated that the mural did not “worsen” the public space, but rather added “ornament, value, and visibility” to an otherwise anonymous surface (Redazione Ancona, 2022). These examples show that uneven enforcement of graffiti is endemic to legal systems around the world, not just in China. The application of law is never purely algorithmic; it always necessitates judicial evaluation, which inevitably creates room for maneuver and internal inconsistencies. As a result, the mere existence of such selectivity in China does not imply that graffiti there exists in a unique “grey area” of legality or that it is fundamentally different from Western contexts.

## 6. Conclusion

In response to the inquiry, “Is there graffiti in China?,” the answer is unequivocally affirmative. Even in this complex and distant context, so different from its origins, the art of the spray-can maintains a constitutive connection to the law. While much of China’s so-called “graffiti” has been commercialized and legitimized as art, the most authentic part of the practice retains a vibrant, radical core. This hidden dimension, fueled by clandestine acts and a culture of secrecy, is constantly at odds with the country’s legal system. Rather than providing a safe space for graffiti, the Chinese government’s broad-spectrum legal framework functions as a versatile control tool. Finally, it is this precariousness—and the constant balancing of official tolerance and personal defiance—that keeps Chinese graffiti alive and expressive as a form of everyday resistance.

## Conflict of Interests and ethics

The author(s) declare no conflict of interests. The author(s) also declare full adherence to all journal research ethics policies, namely involving the participation of human subjects, anonymity, and/or consent to publish.

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