



Doctoral Thesis in Planning and Decision Analysis

# Planning contexts

Bureaucracy and rule relations in French urbanism

JENNY LINDBLAD

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## Abstract

This thesis examines practices of contextualization in urban planning in Bordeaux. While planning theorists have established the importance of attending to the diverse contexts that shape urban planning, few studies have inquired about the ways urban planning activities shape contexts.

When the Bordeaux Métropole intercommunal organization set out to revise its land-use plan, a document positing the regulations applicable for building permit applications, the resulting plan was intended to be less bureaucratic and more “adapted to context.” I explore the implications of this claim based on fieldwork on rule relations among planners, permit reviewers, metropolitan officials, local politicians, and planning documents. Beginning with the assumption that what is important to plans may be external to their content, I follow the land-use plan from preparation to implementation in the permit review. The activities in Bordeaux are framed through theories on the role of bureaucracy and flexibility in contemporary urban planning, while the issue of context is analyzed through an anthropological lens that understands contexts as never pre-existing, but produced through practices.

The study shows how urban planning in Bordeaux unfolded amidst clashing contexts and overlapping temporalities, including national reforms of local government in favor of intercommunal planning and enhancement of shared long-term plans with flexible modalities, planners working for a regulatory framework adaptable to diverse settings, permit reviewers concerned with ensuring the legal accuracy of permit decisions, and municipal election cycles. The permit review became a strategically important activity in which modalities of flexibility were used to ensure municipal authority in response to a shifting political landscape that empowered the intercommunal government. The revision of the plan to be “adapted to context” came to imply a municipal concern to influence permits in a continuous present, in opposition of the longer-term temporality imposed by a common land-use plan among municipalities within the metropole. In this situation, local planning actors grappled with the distribution of the capacity to define which contexts mattered, at what moment, and by whom those definitions were made. By showing how urban actors selectively deployed divergent views on the notion of context, this study underlines the importance of attending to the politics of contextualization in urban planning.



## Sammanfattning

I den här studien undersöks hur kontextualiseringspraktiker är närvarande inom stadsplanering i Bordeaux. Vikten av att undersöka stadsplanering i relation till olika kontextuella faktorer har betonats länge bland planeringsforskare. Samtidigt finns få studier som undersöker hur stadsplanering bidrar till formandet av kontexter, och än mer sällan som omfattar bygglovshandläggning som en del av planeringsprocessen.

När den mellankommunala organisationen Bordeaux Métropole initierade en revidering av sin markanvändningsplan, som specificerar bygglovsregler, så var ambitionen att planen skulle göras ”kontextanpassad”. Jag undersöker vad det inneburit i praktiken genom fältarbete bland planerare, bygglovshandläggare, andra tjänstepersoner, lokala politiker och planeringsdokument. Utifrån antagandet att det som är av betydelse för hur en plan används inte nödvändigtvis framgår av planens innehåll följer jag markanvändningsplanen från hur den togs fram till hur den togs i bruk. Planeringspraktikerna i Bordeaux analyseras genom teorier om byråkrati och flexibilitet i samtida stadsplanering, medan frågan om kontext analyseras genom en antropologisk lins där kontexter förstås som kontinuerligt skapade och vidmakthållna genom praktiker.

Planeringsprocessen i Bordeaux formades i relation till olika ibland kolliderande kontexter och överlappande temporaliteter: nationella reformer som främjade regional planering och ökad adaptivitet inom den långsiktiga markanvändningsplaneringen, planerare som beredde anpassningsbara bygglovsregler till varierade miljöer, bygglovshandläggare som fokuserade på att förbereda juridiskt korrekta bygglovsbeslut och borgmästare som förhöll sig till inflytande över den byggda miljön i relation till kommunalval. Som reaktion på politisk-administrativa reformer där mer kompetens överförts till mellankommunal nivå visar studien på hur bygglovshandlingen utvecklats som en strategiskt viktig aktivitet där adaptiva element i markanvändningsplanen användes för att hävda kommunal auktoritet. I spänning med de långsiktiga överenskommelser som utarbetats i den mellankommunala markanvändningsplanen kom ambitionen om en ”kontextanpassad” plan att innebära en möjlighet för kommuner att kontinuerligt påverka bygglovsprocesser. Lokala planeringsaktörer brottades med fördelningen av mandat att definiera vilka kontexter som spelade roll, i vilka sammanhang, och av vem de definierades. Genom att visa hur olika planeringsaktörer selektivt använde sig av begreppet kontext, betonar den här studien hur angeläget det är att rikta fokus mot de politiska dimensionerna av kontextualiseringspraktiker i stadsplanering.

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Stockholm, 8 June 2020

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## Glossary

CAP	<i>Commission des avant-projets</i> . The pre-review commission in Bordeaux metropole overlooking permit proposals.
CUB	<i>Communauté urbaine de Bordeaux</i> . The intercommunal organisation of Bordeaux that became Bordeaux Métropole in 2015.
DP	<i>Déclaration préalable</i> . Building permit for minor works.
LOF, loi	<i>Loi d'Orientation Foncière</i> . Planning legislation of 1967.
LOLF, loi	<i>Loi Organique relative aux Lois de Finances</i> . Budget Framework Act of 2001.
MAPTAM, loi	<i>Modernisation de l'action publique territoriale et d'affirmation des métropoles</i> . Law on the modernisation of public authorities and assertion of metropolises enacted in 2014, which created a new legal status for metropolises as a more integrated form of intercommunal cooperation replacing the <i>communauté urbaine</i> .
OAP	<i>Orientations d'aménagement et de programmation</i> . Document in the PLU that outlined the broader lines of development that the public authority desires for an area without specifying its precise regulations.
PADD	<i>Projet d'aménagement et de développement durables</i> . Sustainable development plan, introduced with the <i>loi SRU</i> as a strategical piece of the PLU.
PC	<i>Permit de construire</i> . Building permit.
PLU	<i>Plan local d'urbanisme</i> . Local land-use plan introduced by the <i>loi SRU</i> in 2000.
POS	<i>Plan d'occupation des sols</i> . Local land-use plan introduced by the <i>loi LOF</i> 1967.
SCoT	<i>Schéma de Cohérence Territoriale</i> . The Territorial coherence plan introduced by the <i>loi SRU</i> as a strategical planning document elaborated by larger groupings of municipalities.
SRU, loi	<i>Loi relative à la Solidarité et au Renouvellement Urbains</i> . The Urban solidarity and renewal law enacted in 2000 which introduced several changes to the planning legislation.

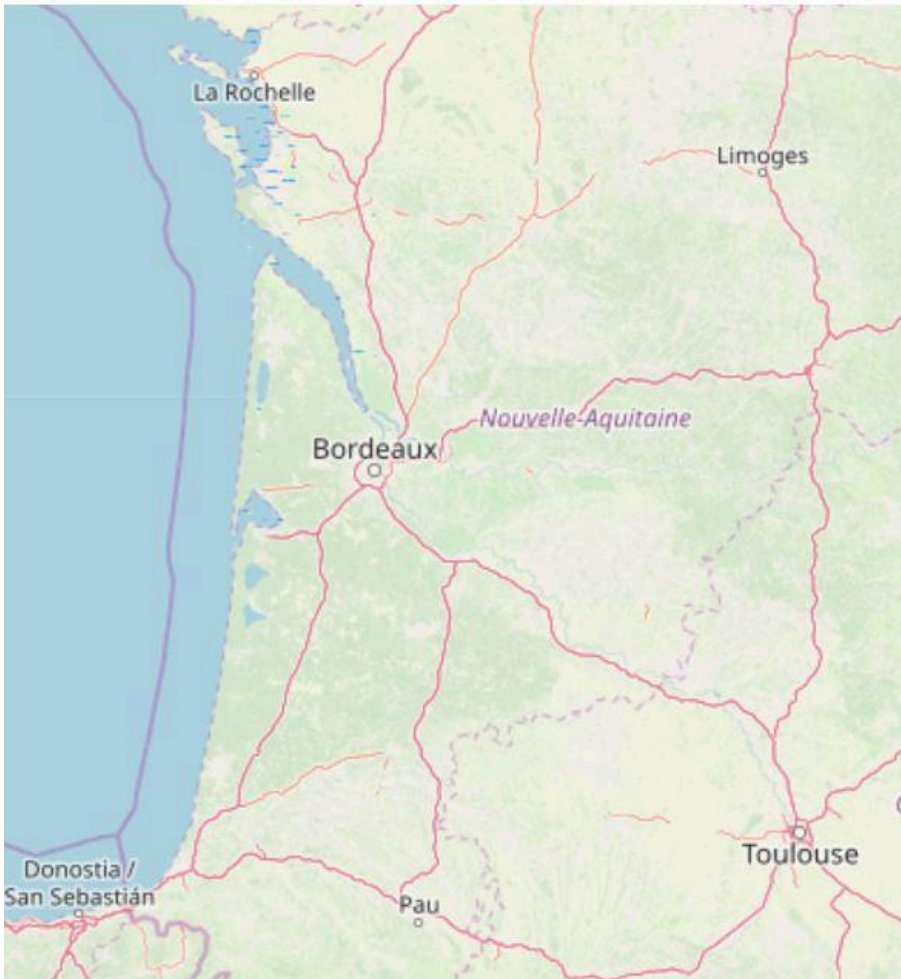


Figure 1. Bordeaux in the southwest of France. Source: Map data © OpenStreetMap contributors, under ODbL.



## 1. Introduction

When I arrived in Bordeaux in the early spring of 2016, the land-use plan that the city had spent the last six years preparing was undergoing a public consultation (*enquête publique*). Just days before my arrival, the city published the plan online on a site for public participation encouraging residents to comment on its content. I was in the process of acquainting myself with the many documents that collectively made up the plan and looked forward to having access to physical copies of the documents during my upcoming fieldwork trip. As I expected the documentation to be available in the public administration buildings, I first went to the *Hôtel de Ville*, the 18th century stone palace hosting municipal councilors. There, I was stopped by a security guard who informed me that without a pre-booked meeting, I surely would not find what I was looking for here. I continued to the *Hôtel de la Métropole*, situated just a few hundred meters further away among several concrete high-rises erected in the 1970s. The building hosted the political delegations from the twenty-eight member municipalities of the intercommunal organization that jointly prepared the plan. A receptionist referred me to the adjacent building, which was the municipal administration of Bordeaux. Walking there, I reflected on my experience in public consultation procedures which, up until now, was limited to visits to public libraries in Swedish cities where local governments exhibit drafted plans. In remembering those events, where residents and planners intermingled and engaged in conversations in front of the draft plans, I imagined that the coincidence that the first weeks of my fieldwork coincided with a public consultation would facilitate the initial contact with planners and officials.<sup>1</sup>

The entrance floor bustled with conversation and movement; people were engaged in conversations and waiting to meet with case workers on issues related to welfare services provided by the municipality. The absence of any indication of a public consultation made me hesitate, but a receptionist assured me that this was the right place for consultation regarding the land-use plan. A copy of the *Plan Local d'Urbanisme*, or PLU, as it is referred to among officials and planners, was available in a booth behind a section of desks dedicated to permit consultations. The booth

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<sup>1</sup> This brief example of public consultations in Sweden is not meant to imply any comparison of the quality of public consultation procedures but to highlight how the arrangements of consultation processes between plans, planners and the public differ between locations. For work on public consultation procedures in France, see e.g. Couture (2018) and Nez (2011) and in Sweden, see e.g. Tahvilzadeh (2015; Wiberg (2018) and Zakhour (2020).



Figure 2. The seven boxes containing the PLU lined up during the weeks of the public consultation process.

was quiet and empty compared to other areas of the entrance hall. No less than seven document boxes packed to the brim with folded maps and booklets sat on a shelf alongside one of the walls. I realized that this was it: the physical copy of the PLU (see Figure 2). A note on the wall informed visitors about the schedule according to which a commissioner would be present to collect visitors' questions and comments. In her absence, visitors could leave comments in a notebook next to the boxes. Encountering this incredible volume of documents left me feeling overwhelmed. The sheer sight was intimidating and engendered a sense that even beginning to read through the documents required a certain set of skills and familiarity. Nothing in the sterile, white walls of the room gave any indication of how to go about approaching the overwhelming amount of texts, maps and diagrams. As I started to browse through the contents of the boxes, I picked up a booklet titled *Projet d'Aménagement et du Développement Durables* (PADD) which was reported to be the strategic centerpiece for the whole PLU. It detailed the future-oriented objectives for the urban development activity the document had been prepared to achieve. It also

stated that this plan had a “simpler regulatory framework more adapted to context (*règlement plus simple et plus adapté au contexte*).” The last part caught my attention.

By the time of this encounter, I had only recently started to become familiar with urban planning. From my training in anthropology, I was however well acquainted with the notion of ‘context,’ which is part of the discipline’s founding principles as an endeavor keen on learning about the particularities of human social organization and meaning making across different contexts. However, as things appeared in the PLU and in the booth with the boxes, it revealed little about what this notion meant within the particular setting of land-use planning in Bordeaux. Following this early encounter, I increasingly began to ask questions concerning what ‘context’ meant to the different actors in this setting, what meaning was invested in the term and what was the broader context in which the plan came to be prepared and used. These issues came to be central areas of interest for this study.

## **The focus and objectives of the study**

The title of this thesis – ‘Planning Contexts’ – alludes to the complex relationship between urban planning and contexts in Bordeaux. On the one hand, it refers to how local urban planning activities unfolded in relation to what I depict as a political context where there is a shifting emphasis towards intercommunal planning and to a legal-bureaucratic context composed of specific arrangements placing importance on legal certainty and proceduralism. On the other hand, the title refers to how the act of urban planning was a formative practice that shaped contexts by piecing together knowledge, objectives, documents, environments and elements that played a role in forming contexts. With this study, I aim to unpack ways in which the issue of ‘context’ become important and what it came to mean within urban planning as an activity essentially occupied with manipulating space and time. I pursue this aim by inquiring into the revision of the land-use plan in Bordeaux and the application of the plan within the permit review process. In doing so, I follow the plan through the purportedly different temporal arrangements of its operation within which diverse actors were implicated in its utilization. As a document figuring in national planning reforms in recent years, the land-use plan was interlinked with ambitions to reconfigure land-use planning in favor of more flexible administrative procedures and enhanced intercommunal collaboration. During the period of time that I spent in Bordeaux, the issue of context was pronounced among planners, local politicians and permit reviewers in relation to the two issues of flexibility and intercommunal collaboration. Based on that observation and my initial encounter with the revised

plan that stated it was “adapted to context,” I formulated the following research questions that I work with in this study: first, what can a contextualization of legal-bureaucratic and political practices relating to land-use plans reveal about contemporary urban planning in Bordeaux? Second, how are contexts and temporalities mobilized by different actors and towards what aims within and around the Bordelais planning bureaucracy? Third, what can be learned from paying attention to how urban actors mobilize divergent understandings of the notion of context in urban planning processes?

I address these questions by taking the land-use plan as a lens through which I explore the social life of the planning bureaucracy in Bordeaux. I do so by proceeding from Matthew Hull’s observation that, within urban administrations, “the larger politics of files is embedded in their material qualities and in procedures” (2012b: 115). He proposes that “[m]uch of what is important about the use of files is not documented within them” which is why “we should be cautious about relying on the files themselves as evidence of the practices that involve them” (2012b: 118). For the purposes of my study, this means that my focus is less on the specific content of the plan. I focus instead on the rule relations and dynamics at work between planners, permit reviewers and local politicians in settings where the PLU was debated, prepared and put into use, which led me to the permit review where the plan ultimately operated as the ground for issuing permits on land-use modifications. The land-use plan as a document was more than just the manifestation of the aspirations of local politicians and planners for the environment that should be built, that is, buildings, streets, watersheds, vegetation and businesses, and what it should contribute to of developments and living conditions. It was also a document relating to categories of territorial boundaries and administrative, legal and political entities. My concluding arguments reconnect to the double meaning implied in ‘planning contexts.’ The statement that the plan was “adapted to context” carried implications both for the kind of urban development that was to be promoted and the kind of political and administrative authority it was to favor. At the same time, the practices around the land-use plan were themselves integral in the formation of contexts. By attending to “the ethnographic detail of the relation of plans to places, things, and people” (Abram & Weszkalnys, 2011: 4), this study tells a broader story of how urban planning is intertwined with questions of shifting political authority and the role of planning expertise in land-use planning.

In the following, I present the theoretical underpinnings upon which this study is built. I begin to introduce the approach I use to study French urban planning as an assemblage with close connections to government bureaucracy, and position my study in relation to ethnographic studies of urban planning in planning theory and

anthropology. I then detail how I reviewed the practices in the planning bureaucracy as productive sources of relations and politics, with the land-use plan, as an administrative artefact, also representing an active part. This understanding will be important as I highlight how the permit review procedure was not merely about an administrative conformity, but an activity imbued with interpretations in relation to regulations. After discussing my approach to the bureaucratic dimensions, I shift to a discussion of the centrality of context as an analytical notion for anthropology and planning studies as well as the understanding that I draw from this, as a notion that ultimately refers to results from connection making. I detail the three-tiered engagement that I make with ‘context’: what I analyze in terms of contextual factors interrelating with the planning assemblage, what local actors in Bordeaux invested in intentions in the use of the notion and how planning practices partake in shaping what can be conceived of as contexts. In relation to the issue of contexts, I also describe the way I considered temporalities through my observations and analysis and the way local politicians and planners in the planning bureaucracy were themselves actively relating to and positioning practices in relation to temporal arrangements. Following this conceptual framing of my study, I briefly describe the socio-geographical and political setting within which the Bordelais planning bureaucracy operated. Thereafter, I discuss methodological concerns and the research process through which the study came about, before I go on to outline the organization of the following chapters.

## **Study of urban planning**

Cities are the result of multiple social, political, economic and material processes (Taylor, 1998) in which state-led planning plays a role intertwined with – among other things – citizens’ doings with public infrastructures (Anand, 2017), hierarchies of aesthetic markers (Ghertner, 2015) and different approaches to ecological stakes (Newman, 2015). Scholars have also analyzed how urban planning contributes to different outcomes. Whereas, for instance, Susan Fainstein (2009) discusses the possibility for planning to contribute to “just cities” through equal distribution of resources among citizens, David Harvey (1978) has argued that planning essentially runs the errands of capitalism and produces unequal class division. While both assertions have their merits, my focus is less on the purpose of, or outcomes of, French and Bordelais planning, but is instead on the dynamics through which it functions. However, with a focus on the domain of planning explicitly directed towards regulating land-use, including privately owned land on both smaller and

larger scales, it is relevant to consider Nicholas Blomley's (2017) observation that references to "land use" oftentimes conceal the fact that planning is ultimately about regulating and through that engaging and enabling private property. In Bordeaux, the vast majority of land is privately owned, and it is through the land-use plan (through the *Code de l'urbanisme*) that the local authority is entitled to intervene in the right to private ownership by controlling development rights.<sup>2</sup>

Scholarship on urban planning has emphasized various historical motives for the development of state-led planning: to ensure public hygiene (Boyer, 1983; Hebbert, 1999), to regulate citizens and populations (Rabinow, 1989), to uphold colonial rule (Çelik, 2000; Njoh, 2009) and as an endeavor to provide "material and social welfare" (Robertson, 1984: 8). Michel Foucault has detailed how cities in France, which had previously been relatively independent administrative units in the seventh and eighteenth century, became subjects for the development of "administrative states" wanting to control commercial relations between cities and distant locations (2007). The emerging state sought optimally to counteract what were seen as undesirable elements while enabling those deemed desirable, and through this to plan with consideration for the uncertain, unpredictable future to enable "the conjunction of a series of events" produced by populations, built spaces, natural givens and other events in urban environments (Foucault, 2007: 56). Alexander Robertson has similarly described planning as an activity that, "in coming to grips with an uncertain future, depends on various techniques and symbolic systems, which are used to manipulate time, people, resources and activities" (1984: 3). Planning can then be described as an activity seeking to achieve specific conjunctions of events through manipulations of time and space. Consequently, I interpret planning to denote attempts to steer and regulate movement and circulation in specific directions and towards specific outcomes; it is thus, according to this understanding, better conceptualized as an intervention into ongoing change rather than a blueprint for development.

In order to delineate what urban planning means more concretely in this study, I draw on the understanding of planning "as an assemblage of activities, instruments, ideologies, models and regulations aimed at ordering society through a set of social and spatial techniques," as described by Simone Abram and Gisa Weszkalnys (2013:

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<sup>2</sup> See Booth (2005) for a detailed overview of the roots of planning law in France, which coincides in time with the formulation in the constitution around the 'absolute right to ownership' only to be restricted by the 'right of government to govern.' In practice, this has afforded the state a great deal of power to restrict permitted land uses, which in turn has been regulated by the administrative strand of French law to ensure that the state does not abuse its powers, which I discuss further in Chapter 2.

3). Thinking of planning as an assemblage has meant that I have used the land-use plan as a starting point and followed the relations between the plan and different professions, settings and ideas to trace out the object of study. What I am concerned with here is planning as an activity carried out by local authorities and other parties who, through the delegation of authority, are afforded the legitimacy to coordinate and restrict spatial interventions. However, as Lisa Peattie has carefully pointed out, no city was ever planned the way that it turned out, but “the planning process helped make it what it is” (1987: 15). Likewise, I understand urban planning as co-producing space, never in a totalizing manner. For the purposes of this analysis, this means that I consider the practices among officials, planners and local politicians involved in the planning bureaucracy as co-producers of what planning entails in Bordeaux. These practices take form through relations between different actors as well as documents, regulations and administrative structures. They are also shaped in relation to residents who, other than how local politicians in the role as elected representatives conjure them up, are in focus to a lesser degree in this study.

As I returned to the room in the municipal administration building where I first met the physical copies of the PLU, I learnt that relatively few visitors came to either building or the online consultation page to consult or comment on the plan.<sup>3</sup> This resonated with the accounts of people that I met who, after learning the purpose of my visit, often blurted out the question “but why the PLU?” if they even were familiar with the plan that was often seen as administrative deadweight with a myriad of regulations only producing paperwork. However, the building permits issued based on the PLU were well known to many residents, since they were present throughout the city in the form of posters on the many fences closing off construction sites and as the legal document contested in disputes around land-use developments. With the land-use plan representing the material object through which my fieldsite took shape – simply put: a document prepared by planners as experts and executed by permit reviewers as administrators – my navigation through the operation of the plan soon led me to instances of building permit procedures. These proved to be instances where the plan, regulations, officials, planners, local politicians, laws and residents came together in ways that revealed how ‘planning’ was an activity unfolding at an intersection of diverse contexts and temporalities. It

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<sup>3</sup> According to the report summarizing the consultation procedure, the commissioners hosting the consultations received 897 visits during the one and a half months it lasted. A commissioner I talked to estimated that the majority of visits were from land and property owners concerned about how the categorization of land and regulations would affect their property and from representatives of environmental associations concerned with the designations of constructible land on ecologically vulnerable sites.

did so within the realm of permit review, which in many ways related to the bureaucratic dimensions of the local authority's doings and I will therefore refer to the assemblage that I refer to as a 'planning bureaucracy' to emphasize the interrelation.

### **Why an ethnography of a planning bureaucracy?**

My induction into the ethnographic study<sup>4</sup> of urban planning was spurred on through a convergence of focus areas in the two disciplines that have propelled my journey to Bordeaux: planning theory and anthropology. Several influential planning theorists have aired calls for context-specific attention to everyday planning practices and the "micro-politics of planning" (Forester, 2012). Patsy Healey argues for the pertinence of analyzing "the fine detail of planning work" (1992: 10), and John Forester underlines the necessity for planning theory to be "critically specific about the contexts that frustrate or enable planners' efforts" if any efforts to improve planning practices are to be fruitful (2016: 169). Leonie Sandercock calls for the "ethnographic study" from inside "state planning bureaucracies" (2005: 310). Moreover, several scholars have pointed to how abstractions and typologies of planning systems are often more complex in concrete practice (Healey, 1997; Moroni, 2007; Valler & Phelps, 2018). Several seminal studies have engaged in explorative, open-ended inquiries of planning work through participant observation (see e.g. Altshuler, 1965; Flyvbjerg, 1998; Forester, 1999; Healey, 1992). These analyses of the way urban planning plays out concretely in practice have focused on the profession of planners and the political context in which they operate. To my knowledge, this line of work has shown limited interest in the role that regulatory practices plays in shaping urban planning, which I address as I follow the land-use plan through different settings where it is prepared and eventually applied in the realm of permit review.

In parallel to the quest for more concrete, on the ground-knowledge on urban planning among planning theorists, there has been growing interest in contemporary urban planning as a study object among anthropologists. The critical efforts of inquiring into the centrality of planning for modernist endeavors (Holston, 1989;

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<sup>4</sup> By ethnography, I refer to the kind of empirical data and analysis produced through "research based on the close-up, on the-ground observation of people and institutions in real time and space" (Wacquant, 2003: 5). This study can be read as what Kim Fortun (2003) terms an "ethnography of in/of/as open systems", which I interpret to be one that recognizes the object in focus as situated within complex webs of continuously changing relationships.

Peattie, 1987; Rabinow, 1989; Robertson, 1984) have been followed by recent inquiries into how planning regimes and practices intersect with neoliberal policy (Abram, 2014; Abram & Weszkalnys, 2013; Boholm, 2013; Ghertner, 2015; Mack, 2019; Pérez, 2016; Weszkalnys, 2010). The latter line of work has primarily attended to different cities with planning regimes favoring policies to outsource and privatize planning tasks that were previously performed in the public sector, cities that have prioritized market logics in the operation of land-use planning and called for a reduction in bureaucracy to instigate flow of capital (see e.g. Abram & Weszkalnys, 2011). In my focus on contemporary urban planning, I follow the current of work that focuses on the ways planning operates in practice. In doing so, I consider Aiwa Ong's analysis that state involvement in the production of urban spaces is not disappearing through "the overwhelming power of capital" (2011: 206). Instead, state involvement "is reconfigured through a variety of processes and practices whose outcomes cannot be determined *a priori*, or separate from the singular situated moments of particular forms of entanglement" (Ong, 2011: 206). Taking my cue from this assertion, this study is concerned with the ways actors in the planning bureaucracy in Bordeaux handled shifting national policy directives and shaped planning procedures to fit local expectations. Operating through varying geographical modalities, the land-use plan was the result of a zoning policy that divided the city into areas subject to different arrangements and rule relations that in turn led to different outcomes.

## **Bureaucratic productivity**

The focus on planning activities in bureaucratic settings calls for a theoretical approach on bureaucracy. The connection between planning and bureaucracy is well established. Planning historians and theorists "have consolidated a story of planning as the ordered preparation for development, with its roots in the modern invention of bureaucracy" (Abram & Weszkalnys, 2011: 4). As Healey (1997) has described, the evolution of government bureaucracy in the 20<sup>th</sup> century has divided activities into separate functional departments and temporalities. She describes how this has been organized in countries like France:

In countries which have their governance styles rooted in the Napoleonic Code, it is common to separate the work of policy, as part of the arena of politics, from that of administration, as part of the arena of legal interpretation of formal rules. In such contexts, the work of urban and regional planners may be confined to developing the

policies. Legal technicians may then administer the resultant policy rules. The legal land use zoning ordinance is a typical example of such a separation. In theory, in such situations, planning experts prepare master plans. These are then converted into land use ordinances giving landowners rights to develop according to the ordinance. The monitoring of the ordinance is a task for administrators, not experts. (Healey, 1997: 216)

This description is in its broad terms still valid for the planning arrangements in France and in Bordeaux. Importantly though, Healey concludes the description with the reservation that “[i]n reality, there is usually a much more interactive relationship between politicians, administrators and applicants” (1997: 216). It is these “interactive relationships” that I examine more closely by looking at relations between planners (both officials and consultants), permit reviewers who carried out administration tasks to confirm an application’s conformity to regulations, local politicians (primarily mayors) and to some extent applicants.

Ethnographic scholarship has shown much interest in the everyday workings of state bureaucracies in recent years by examining the day to day work of bureaucrats in their encounters with those subject to government rules and the techniques used for assuring authority (Babül, 2017; Feldman, 2008; Gupta, 2012; Hull, 2012b; Tuckett, 2018; Vohnsen, 2017). Bureaucracies pose a number of interesting questions. Colin Hoag has highlighted the way their organizational structures and rules are often openly defined and described, but they are nonetheless “always at some level opaque, inscrutable, and illogical” (2011: 82) both to the bureaucrats themselves and outsiders. They have distinct organizational structures constructed around formalism, proceduralism and specific ideals. Among these are Max Weber’s (1968/2006) conceptualization of the bureaucratic ethos embodied in indifferent and dispassionate bureaucrats that ensure rationality and objectivity, among other things, to reduce the risk of patronage and ruling of individual interests. Meanwhile, as abstract ideals, the rules and hierarchies of bureaucracies are necessarily interpreted and mediated in local settings as well as historically situated. This is something that Michael Lipsky (1980) influentially demonstrated by analyzing how “street-level bureaucrats” in lower levels of the hierarchy impact the course of the policies. Emphasizing that “[c]itizens directly experience government through them, and their actions *are* the policies provided by government in important respects” (1980: xvi, emphasis in original), Lipsky showed how rather than merely *transmitting* policy, the work of bureaucrats is productive in the sense that they partake in *shaping* policy. Moreover, bureaucratic encounters are formative for how the state becomes significant for both bureaucrats and the persons subject to bureaucratic rule. Akhil

Gupta and Aradhana Sharma point to this when noting that “[w]hat the state means to people such as government officials situated inside a bureaucracy, as well as to those outside [...] is profoundly shaped through the *routine* and *repetitive* procedures of bureaucracies” (2006: 11, emphasis in original). This calls for a view of bureaucracies as entities that not only administrate or implement policy and plans, but as productive sites of authority and planning relations, which is how I approach the work in the Bordelais planning bureaucracy.

France is a country often characterized by its strong state tradition (Dikeç, 2006) and a heavy, opaque bureaucracy with overlapping layers of state, regional, departmental and local administrations that employ many officials. The representation of the French state as highly centralized, however, ignores the “paradox that the apparent Cartesian formality of the politico-administrative system demonstrates a high degree of pragmatism in the way in which it is acted out on the ground” (Booth, 2009: 692). Pierre Grémion’s (1976) study on “peripheral” politics in France shed light on the presence of pragmatism in webs of decentralized institutions where local and national politicians meet, and through which local government representatives impact national politics. In an ethnography of local politics in a French department, Marc Abèles (1991) similarly testifies to the imbricate arrangement of national and local administration that has given way to a certain pragmatism in order to handle the complexity of the bureaucratic system, and the cumbersome, adverse effects of the administrative web. What their studies show should not be surprising, since states and their bureaucracies “require some degree of flexibility in order to function at all” (Herzfeld, 2016: 7). In his investigations of state bureaucracies, which focus on empirical studies of their operation rather than assumptions about their self-functioning as reified entities, Michael Herzfeld notes that much of what state bureaucracies profess “to reject as illegal, informal, and indecent” (2016: 5) is constitutive of how they function. Drawing on these insights, my analysis starts from the presumption that bureaucracies function through social relations and arrangements, potentially in disparity with rules and procedures that, according to formal depictions, should steer their operations. This means that I am less concerned with evaluating the practices I encountered against the formal protocols of plan making procedures and building permit review, I instead focus on how those practices were concretely taking place.

Within the local government of Bordeaux Métropole and the national government, opposition to the preexisting norm-based regulatory ordinance and rigid bureaucratic structures motivated calls for more flexible planning procedures that figured in the recent reforms. Critique of those aspects has become pronounced since the late 1980’s in relation to planning regimes rooted in Western bureaucratic

traditions. It has been noted in Australia, where reforms for a more flexible planning approach have been entangled with ambitions to “reduce red tape” (Steele & Ruming, 2012: 161), and in Britain, where shifts towards neoliberal forms of governance have been coupled with accusations of statutory planning arrangements that are “held to be slow, bureaucratic” (Allmendinger & Haughton, 2009: 619). In Sweden, emphasis on a lessened regulatory planning practice has been coupled with ideals that local governments should take a more “proactive” position through planning to attract private investments and development (Baeten, 2012). Similar tendencies have previously been noted in France, though they have been said to impact planning in a slower manner (Waterhout et al., 2013). Across different countries, these tendencies relate to New Public Management ideals that include ideas of having organizations operate through objectives and goals instead of rules and regulations, favoring market mechanisms and competition rather than the offer of public services, and having public authorities favor collaboration between different actors (public, private, civil) to solve societal issues (du Gay, 2000). In Chapter 2, I elaborate on the relationship between bureaucracy and democracy in France and its relation to the formation of the planning system. For the purposes of my analysis here, it is enough to note that scholarship relating to the actual functioning of bureaucracy and the examination of a critique on bureaucracy from New Public Management ideals is helpful in situating the demands for more flexible planning procedures in Bordeaux. When analyzed through this lens, it becomes apparent that one should not take such critiques to necessarily be indicative of a previously inflexible or exceptionally rigid bureaucratic structure. Instead, I understand them as manifestations of specific political aspirations. My intention, then, is not to reiterate the routine critique of bureaucracy as being inert and rigid per se. Rather, my ambition here is to scrutinize what practices within planning processes that have been depicted as ‘overly bureaucratic’ actually look like, and how the criticism of these processes affected (or did not affect) the development of practices in various aspects.

### **Documents in bureaucratic practices**

A growing focus within ethnographies of bureaucracy and the application of rules has focused on the role of documents and documentary practices (Harper, 1998; Hull, 2012b; Pérez, 2016; Riles, 2006; Tuckett, 2018; Weszkalnys, 2010). Richard Baxstrom’s (2013) study of Kuala Lumpur shows how development plans are not necessarily prepared to achieve the outlined development, but to function as vehicles

for action in the present, which was also true for the Bordeaux land-use plan (as I show in Chapter 5). Hull explores the performative dimensions of documents in urban planning in Islamabad, demonstrating how documents are not mere by-products of bureaucratic practice, rather “their specific discourses and material forms precipitate the formation of shifting networks and groups of official and nonofficial people and things” (2012b: 21). He shows how documents arrange relations within planning administrations and those subject to planning rules. Engagement with the role of artefacts in contemporary planning efforts has prompted Abram and Weszkalnys to ask “what kind of work we can see the plan perform when it is clear that it is not a blueprint for the future” (2011: 14). There is a query I found to be actualized in French land-use planning that seeks to replace the zoning techniques from previous plans with techniques that can more easily be adapted to an unpredictable future.

In order to analyze the ways that the land-use plan functioned in different settings, I have turned to the communication scholar François Cooren (2010), who provides an approach to interactions that is telling of how the enactment of bureaucracies unfolds through interpersonal relationships and documents. He uses the analogy of “ventriloquism” to suggest that when we interact, we speak through other objects and figures that are invoked and give substance and authority to our speech (Cooren, 2010). Importantly, this also goes the other way, in the sense that documents “speak” through the person speaking in the name of it. This understanding of interactions is interested in how documents shape associations and power dynamics when they are evoked in interactions and encounters. Documents do not speak for themselves independent of any person or thing, but come to bear on events and relations by being invoked in particular occasions and configurations (Cooren, 2010). This reasoning proved particularly useful in examining the effects of configurations on rules, permit reviewers and local politicians in permit review settings and encounters with applicants. Rather than taking rules, by which I mean the written and graphical formulations in the regulatory framework of the land-use plan, as immediate expressions of specific intentions or reading them against an evaluative grid of failure or success in terms of their achievement, I consider how rules were performed through specific strategies and practices. These performances unfolded through the officials’ engagements with documents, their legal status and textual formulations as well as through representations of what the land-use plan’s regulatory framework is and should do. In highlighting the mediating role of documents, I do not intend to propose a determinative role for documents but to include considerations of how, including within encounters supposed to happen

through negotiations and flexible structures, bureaucratic documents were mobilized and came to play a role in the way planning unfolded.

## Planning relations to contexts

Although it is generally agreed among planning theorists “that one cannot investigate the effects of the planning system independent of its political economic context” (Taylor, 1998: 107), there is a tendency to index “context” through stable categories such as cities, nation-states, international, multi-governance or qualifiers like social, political, cultural, economic or legal. Whilst the view of these categories may be that they are internally dynamic, the relationship between them comes through as rather static and possible to hold separate. In that sense, urban planning is approached as an object of study embedded within contexts as given attributes, leading to suggestions such as that “planning practice adapts to the context in which it operates” (Valler & Phelps, 2018: 699). Frank Othengrafen and Mario Reimer, for instance, note that “spatial planning—such as planning issues and objectives, norms, methods, and instruments—is bound to specific local (cultural) contexts” (2013: 1269). Vincent Nadin and Dominic Stead suggest that the “form and operation of planning systems are embedded in their historical context, the socio-economic, political and cultural patterns that have given rise to particular forms of government and law” (2008: 35), before proceeding to apply these “patterns” as possible explanations for different planning systems.<sup>5</sup> In this way of conceiving of the relationship between contexts and planning, the latter comes through as an object in its own right that takes diverse shapes depending on the characteristics of the locale in which it takes form. Such proposals carry the implication that the activities undertaken in urban planning are formed in relation to separately existing contexts which, in turn, suggests that contexts are fairly fixed, tangible entities in relation to which planning operates.

Other scholars have emphasized a more dynamic relationship between planning and a variety of contexts. Patsy Healey et. al. caution against treating “context’ as an external force ‘acting on’ planning practice” (1999: 342). With a more forceful emphasis on a relational perspective, Sandercock notes that planning “redefines politics, producing new sources of power and legitimacy, changing the force field,

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<sup>5</sup> Though they do include the reservation that the use of patterns as sources of explanations, for example, the rule-bound, prescriptive continental legal system applied in France, “tends to over-emphasize the formal system of planning in principle as opposed to the reality of its operation in practice” (Nadin & Stead, 2008: 38).

sometimes for better, sometimes not, and rarely in predictable ways” (2005: 330). The issue of how to handle context has appeared in critical engagements with the theorization of planning and application of theory. One strand of critique has targeted unreflective uses of generalized theorizations based on studies in European settings, for instance the presumed generic usefulness of communicative planning theory (Calderon & Westin, 2019). Zeinab Nouredine Tag-Eldeen (2015) particularly advance a “cross-cultural” engagement in her inquiry into planning practices in Egypt, in which she shows how communicative planning theory can bring insights into diverse settings when “re-contextualized” in relation to local specificities. Ananya Roy emphasizes that theories about planning necessarily spring from locally situated positions and that “the project of planning itself is heterogeneous, even contradictory” (2005: 7), which demands a sensitive dialogue between theory and the operation and effects of planning. The relationship between concrete settings and theory is something that contemporary planning theory has struggled with, resulting in “tension between the acknowledgement of context-related diversity, and the desire to produce normative theoretical positions” (Watson, 2003: 365).

My reading of planning activities in Bordeaux aligns with a relational understanding, which implies that any clear separation between planning and politics can be expected to be unhelpfully reductionist. The processes in Bordeaux called for such an understanding as the preparation of the plan was influenced by political aspirations and tensions, and the political turmoil was in turn affected by the legal frameworks and procedures through which planning activities were arranged. While there is a growing consensus that planning is an activity intricately intertwined with localized societal processes, less attention has been given to the way planning activities in turn play a role in shaping contexts (in the sense of political, bureaucratic, legal and other aspects that interplay with what planning is and does). In order to analyze the way planning practices play a role in shaping contexts, I draw on engagements with the notion in anthropology.

### **Context as connections and disconnections**

The emergence of the notion of “context” in anthropological research is often attributed to Bronisław Malinowski, who in 1923 proposed that “[l]anguage is essentially rooted in the reality of the culture, the tribal life and customs of a people, and [...] it cannot be explained without constant reference to these broader contexts of verbal utterance” (cited in Seaver, 2015: 1103). Malinowski and his

contemporaries, including Franz Boas and Zora Neale Hurston, emphasized the importance of considering cultural phenomenon within the setting they occur. Their view stood in contrast to the views of James Frazer, as one often cited example, who used ethnographic data from diverse settings to compare and draw generalized insights into what has become known as “armchair” anthropology (Seaver, 2015; Strathern, 1987). ‘Context’ came to mean the many aspects of social life in any given place that are perceived to have an influence on the language and practices of the cultural phenomenon in question. It became closely entangled with the methodological requirement that understanding a cultural phenomenon required extensive fieldwork and participation in the given setting to properly grasp the diverse aspects shaping its particular features and manifestations.

The central importance of context remains influential in anthropological work and social sciences at large, but the understandings of what it means has shifted. Johannes Fabian (1995) has denounced “positivistic” understandings of context, characterizing its initial appearance and interpretation as a ready-made external explanans of a phenomenon. Instead, he demonstrates that it is within dialectic relationships between the ethnographer’s expectations about explicable and influential elements in relation to the subject of the analysis that contexts take form. Put another way, when starting a study, the researcher always enters with certain expectations and preconceived notions of what is important in the given field of research. The assumed context could thus itself be subject to contextualization, since any recourse to “context” is “constituted in a practice that is individually and therefore historically situated and determined” (Fabian, 1995: 48).

Roy Dilley proposes that context “involves making connections and, by implication, disconnections” (1999: 2), and emphasizes that contextualizing is an interpretative act that underlines how it relies on cognitive perceptions more than essentialist universals. “Interpretation in context,” Dilley writes, “requires the pre-interpretation of the relevant context, that in turn informs the subsequent interpretation” (1999: 15). By extension, if contexts are not something self-evident and pre-existing, establishing what a ‘context’ implies is inherently a political project that includes defining what the relevant connections at hand are. Along a similar line of reasoning, Kristin Asdal and Ingunn Moser propose that “contexts are not simply there to be found and explicated, they are always being made: they are made through an array of disciplinary, textual, technoscientific, political, legal, and administrative practices” (2012: 300). This understanding, which I draw on, presumes that the limits to what a context may include are boundless. Its content is “unsaturable” (Dilley, 2002), which opens up the opportunity to explore what contexts may come to mean in different settings, the means through which they are formed and to what effect.

My engagement with the issue of context is three-tiered. First, I investigate what contextual factors were significant in the way land-use planning endeavors unfolded in Bordeaux. In my reading and based on the practices that I encountered, certain political and bureaucratic dimensions stood out and were thus included in the connections I deemed to be influential. In doing so, my account is itself the result of connections I observed between certain aspects of planning work, while it necessarily disregarded a plethora of possible connections in the physical and social urban geography that could be equally worthy of attention. This tier is most prominent in Chapters 2 and 3. Second, I unpack the meaning with which plan makers ascribed to the notion. As Nick Seaver notes, it is commonsensical to think of attention to contexts as a good thing, but “often our disputes are not about context’s merits, but how it should be made” (2015: 1107). The unspecified propositions that the revised land-use plan was “adapted to context” spurred my interest in unpacking the meanings and intentions invested in this proposal, which is the focus of Chapter 4. Third, I consider how planning practices play a role in shaping contexts in establishing selective appreciation of architectural elements and in the permit review process, which I address in Chapters 5, 6 and 7. However, as Dilley points out, while making contexts as an “interpretative practice may be exercised by individual agents, by contrast, the form, the content and the direction of these moves, as well as the condition of possibility of contextualisation itself, rarely if ever are the product of individual agents” (1999: 35). In other words, while permit reviewers took part in this work as individuals, it was in the interactions with bureaucratic structures, procedures, documents and political aspirations that they were made effective. The analysis that I put forward rests on this recognition and oscillates between continuous context-making, through the activities of permit reviewers, planners and local politicians, and plans and documents and the way particular ‘contexts’ I evoke (for instance legal-bureaucratic, political and temporal) played into the dynamics evinced in the planning bureaucracy.

### **Contextualizing temporalities**

At the same time as it unfolds in relation to different contexts, urban planning plays out at the conjuncture of diverse temporalities. Planning operates in multiple overlapping temporalities across different scales that are always subject to change (Abram, 2014), and plans “embody different temporalities of past, present and future” (Abram & Weszkalnys, 2013: 21). The organization of land-use planning has included concerns about ways to address the “possibility that, over time, changes

could occur in the processes affecting urban development,” Nigel Taylor (1998: 44) notes. Acknowledgement of the effects of diverse processes and temporalities have provoked questions about how to prepare plans without too much detail, which risks that they will be rapidly outdated due to changes in the physical environment they refer to (Taylor, 1998). Questions about plans relation to time were present in the planning reforms in France, as I address in Chapters 2 and 3.

While much of the literature on planning “acknowledges that planning is a process that implies progress through time, the concept of conflicting temporalities is generally underemphasized,” as Abram suggests (2014: 132). Descriptions of urban planning processes tend to assume a linear, forward-folding time that legal and administrative arrangements are evocative of, with “each element of the process compartmentalised and given its own timing and place” (Raco et al., 2018: 3). The French model of urban planning proposes that, after the initial process of plan making, the implementation of the plan follows in a permit review process. However, the connections between those two steps were less distinct temporally in Bordeaux than such depictions would indicate. During the preparation and execution of the plan, differently perceived pasts, presents and futures were brought to bear on the course of events, and theoretically separate stages of planning procedures were entangled and consciously played with. In a review of the growing interest in temporal analysis in anthropology, Laura Bear (2016) suggests how time in capitalist modernity is not singlehandedly linear and homogenous but socially and historically produced. Rather than presuming that time unfolds linearly, Bear emphasizes that it is important to “track the conflictual paces of bureaucratic action,” specifically “of the quotidian rather than the spectacular aspects of current forms of bureaucratic anticipation” (2016: 493). I proceed from this assertion and consider the coexistence of diverse temporal engagements (e.g. legal, bureaucratic, political and technical) from plan making and permit reviewing as vantage points. While certainly not the most spectacular sites of urban development, activities in these realms of the planning bureaucracy were nevertheless evocative of different conflicting planning temporalities, for instance between the rhythm of municipal mandate periods and the rationale of planning as a technical endeavor respecting legal procedures.

In parallel to the intersecting temporal dimensions, planning actors are also strategically relating to and arranging bureaucratic temporalities. Simin Davoudi proposes that “planning technologies” that planners use to connect time and space include “temporal organizing concepts” (2012: 435). Time considered as a technique is “linked to acting on the world in order to bring new objects and processes into being” (Bear, 2016: 489), which draws attention to the way time is a source for action that actors actively engage in shaping. Drawing on Bear’s work, Mike Raco et. al.

underline the importance of investigating “the conditions in and through which the *temporalities of planning* are deployed strategically and become politicized” (2018: 2, emphasis in original). They make this point in a discussion of recent work on the speed of urban development processes. Rachel Weber (2015), for instance, proposes that the slow pace of spatial intervention procedures can function as a counter-movement to urban development dictated by investment interests focused on fast returns. However, the specific pace does not in itself guarantee what interests will benefit, since the resources and capacities of public authorities and development actors will impact the way any kind of planning process is used for the purpose of those involved (Raco et al., 2018). Rather than assuming that temporalities in and of themselves hold any particular capacities, we should inquire into how “temporal agendas take on specific forms and characteristics, how these are mobilised in specific contexts, and with what effects” (Raco et al., 2018: 4). In Bordeaux, the timing of planning processes was subject to the discontent of local politicians and officials, who meanwhile used the current organization of relations between plan making and permit review in ways that granted them particular influence.

The activities that I write about are situated in a particular temporal setting as they occurred throughout a period of time when the planning bureaucracy was involved with a revision of the land-use plan. The plan revision was charged with expectations for changes to which the PLU was to contribute through modified land-use regulations. However, while I followed the plan throughout parts of the preparatory procedure and its execution once the plan gained legal force, my interest has not been to track or evaluate the eventuality of an actual change. Rather, I consider the temporal setting of the plan revision and the *expectations* of changes among plan makers as an instance for exploring the dynamics at work in the local planning bureaucracy. The activities discussed in the following chapters are thus telling of both the expectations of specific transformative change in favor of more flexible planning procedures and the day-to-day work in the planning bureaucracy as it continued to unfold as a quotidian administrative practice.

## **The setting: Bordeaux as an urban geography**

The region of Bordeaux is internationally renowned for its viticulture that has a prominent role as an industry and for tourism. When I arrived to the city for the first time, I soon became acquainted with local residents who drew my attention to other businesses that had contributed to the city’s prosperity and the political elite that influenced its urban development. With its location by the river Garonne, close to

the Atlantic Ocean, Bordeaux grew around port activities and the trade of metals, copper and wine from around 600 BC. From the late 17<sup>th</sup> century through 1837, the port was a node for slave trade and reloading of colonial products, which is a part of the city's prosperity that remains largely unacknowledged by the city council (Bonin, 2010). Recent attempts by local associations to change the names of a number of streets that bear the names of families who built their fortunes on the slave trade have largely been ignored (Bigon & Ben Arrous, 2019). The prosperous centuries of lucrative trade drew Dutch, German and English merchant families, who have since become a part of the local *bourgeoisie* and powerful figures in local politics (Victoire, 2014). Several areas, for instance Chartrons and Tourny, testify to the impact the trading families, who in the 18<sup>th</sup> century let the French state administrator Tourny design an urban landscape worthy of a capital with wide avenues (*cours*), multifloor *hôtel particuliers* and public parks that stand in contrast to the modest size of the city (Victoire, 2014).

The collective of sociologists in Bordeaux writing under the pseudonym Émile Victoire characterizes the city as “conservative and tempered” (2014: 13). This resonates with the way residents I met described the city to me, namely a calm city, smaller than it makes pretentions to be, with a political and public life that inclines towards bourgeoisie and preservation. Development during the 19<sup>th</sup> century gave the city the epithet “the sleeping beauty (*la belle endormie*)”: the industrialisation period was modest in Bordeaux as the city had a number of industries but was largely characterized by small scale enterprises (Victoire, 2014). From the mid-19<sup>th</sup> century, urbanization took shape as workers and artisans constructed one to two-floor, attached houses known as *échoppes*. These buildings make up blocks with courtyards closed off from the street, with storage rooms below ground that also functioned as a reserve for water during the regular flooding of the Garonne and connecting water streams. It was only after 1950's that the local government's housing policy through the construction of a few multiunit buildings began providing affordable housing that catered to the working class (Victoire, 2014). The construction of multiunit buildings of diverse forms of ownership and tenure has increased considerably over the last decades, particularly through ongoing major redevelopment schemes for several brownfield sites. While the population of other French agglomerations was multiplied several times during the industrialization period, the population of Bordeaux only doubled to a total of 258,000 by 1936 (Victoire, 2014). This number would drop during the post war years, when many residents moved to neighboring municipalities when job opportunities decreased and port activity and other industries eroded (Cadiou, 2008). Today, key industries include aerospace, health-

related products and increasingly important digital technology businesses, with many new jobs being created in tourism and commerce (Dembski et al., in press).

The inner city center of Bordeaux was classified a UNESCO world heritage site in 2007 for its coherent architecture from the 18<sup>th</sup> to 19<sup>th</sup> century. With its historical buildings serving as an important resource for contemporary housing and the provision of services for residents and a symbolically charged source of cultural heritage, the municipality of Bordeaux has put efforts into valorizing and protecting this *patrimoine*. The sites of planning practices and paperwork that I address here are intended to control and regulate what is materialized in the spaces occupied by historical buildings from different periods, the UNESCO classified inner city center, and the comprehensive urban development projects. The eventual outcomes of the planning practices in this urban geography, as a built and lived space, are given less room in this study that is focused on the practices of preparing and implementing the rules that eventually affect material outcomes and social life in the city.

### **Bordeaux as a political organization**

The intercommunal organization, Bordeaux Métropole, which stood as the author of the land-use plan, is in fact composed of many smaller municipalities and related to urban geographies with differing socio-economic capacities. In 2016, Bordeaux Métropole had a population of approximately 780,000 persons. It is composed of twenty-eight member municipalities (see Figure 3) that range between a population of 1,000 to 70,000, with Bordeaux municipality being the largest by far at 250,000.<sup>6</sup> Consequently, the administrative and economic capacity, but also the living conditions, differ greatly between the municipalities. When walking the streets, one can easily cross a municipal boundary without taking notice. When arriving to the airport of Bordeaux, one is actually in Mérignac, and while residents would report to foreigners – like me – that they are from Bordeaux, one’s specific municipal affiliation was used and emphasized among locals. While there are no clear physical boundaries separating the municipalities, which have grown together in a continuum of urban developments, administrative and political boundaries still exist since the direct elections are held on the level of the municipality through which metropolitan councilors are then indirectly elected. Thus, what residents refer to in their daily speech as “Bordeaux” constitutes both a geographical and sociological space as well

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<sup>6</sup> By the French National Institute of Statistics and Economic Studies (INSEE) in 2016. Retrieved May 13, 2020, from <https://www.insee.fr/fr/statistiques/1405599?geo=COM-33063+EPCI-243300316>.



Figure 3. The twenty-eight member municipalities of Bordeaux Métropole with the River Garonne meandering through. The blue lines represent the main highways. Source: Carte Bordeaux Métropole by Henry Salomé, CC BY 3.0.

as a space with a complex political organization (Victoire, 2014). The territory of Bordeaux Métropole is the core of an *agglomération* (a term designating areas of continuous construction with less than 200 meters between houses<sup>7</sup>) of many municipalities with around one million inhabitants in total. Bordeaux is also the capital of the Gironde department and the Nouvelle-Aquitaine region.

Bordeaux Métropole was created in 2015 as a form of intercommunal structure with fiscal powers. In everyday language, *métropole* is often used to refer to the larger urbanized area with a concentrated population and working opportunities. This term also has a connotation from colonial times as France includes the European territory called *France métropolitaine*, and the former colonies called *France d'outre-mers*. When referring to “the metropole,” I refer to the intercommunal political and administrative organization. A growing body of French scholars have critically engaged with

<sup>7</sup> The definition of *agglomération* according to INSEE.

the implications of *métropolisation* as an ongoing process for life in the urban agglomerations, arguing, for instance, that more than being a phenomenon of urban growth, it is a model enhancing particular forms of control and concentration of jobs, market and social and spatial relations (Gaussier et al., 2003; Galimberti, D., Pinson, G. & Sellers, J., 2017).<sup>8</sup> In Bordeaux, the shift to a metropole was motivated as a means to increase efficiency and reduce public spending, which the rescaling of public administrations from municipal to intercommunal structures is expected to achieve through economies of scale (Bordeaux Métropole, 2017).

Bordeaux municipality has had stability in municipal governance with no more than two mayors between 1947 and 2019. Such long periods of mayoral tenure are not unique in France (Abélès, 1991), but this does have an impact on the development and practice of the local planning bureaucracy. Officials that I met who worked, or had worked, in the municipality exhibited unwavering confidence in what politicians expected from their activities and were dedicated to the municipal land-use policies. The ‘mayor’ as a political figure, both in Bordeaux and other municipalities, will reappear in the following chapters more often than other political positions. Jean-François Médard has noted that “this political class occupies a strategic position between the political system (national and political) and the societal environment: it is through [the mayor] that the system takes root” (1972/2006: 657, my translation). While much has changed since the description in the quote above, for example the continuous move towards stronger intercommunal governments, the mayor remains a prominent figure in French socio-political life (Demazière, 2018). What’s more, in the realm of permit review, the position of mayor has become re-actualized since the approval of building permits remains one of the key competencies allocated to municipalities whilst the land-use plan is prepared by the metropole. My intention with this focus is not to suggest that mayors are the sole persons influencing local political life, but that their role takes a prominent place in local politics, even within a metropolitan setting.

The metropole organization took form through the merging of municipal services a few months before I arrived in Bordeaux, and many of the officials I encountered during the first months of my fieldwork were in the midst of the

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<sup>8</sup> Antonio Delfini & Rafaël Snoriguzzi (2019) write about the “metropolitan ideology,” which they situate in a phenomenon of cities being governed as enterprises where stimulating the economy is prioritized over the city as a space for its inhabitants. Guillaume Faburel (2018) similarly points at the intensification of cities (through *métropolisation*) as entities of economic growth, at the driving force of political projects with implications for democratic structures of local life and at gentrification and other effects on social life that it is entangled with.

reorganization process or were being transferred from municipal to metropolitan services, moving from one public building to another. Consequently, the reorganization and what it meant for many officials who found themselves in a new organization, was a topical issue that local scholars have also given a great deal of attention (see, e.g. Godier et al., 2018). It is inevitable that one needs to consider the shift to the metropole and its implications when investigating the Bordelais practices of land-use planning. However, in this study, I give less attention to the *métropolisation* per se. I situate the activities in the planning bureaucracy that are heavily impacted by the politico-administrative landscape in the continuous changes that local governments have gone through in France since the 1960's as an acknowledged starting point. My account fluctuates between the municipal and metropolitan level and how each was implicated in plan making and the permit review process, which reveals some of the dynamics related to the political and administrative reorganization and the subsequent redistribution of decision-making legitimacy.

### **Notes on methods: fieldwork in a bureaucratic setting**

This thesis builds on eight months of fieldwork in Bordeaux between 2016 to 2018. I was given the opportunity to participate in a research project that set out to compare processes of policy translations in public administrations in different countries. When arriving to this city, which I had never before visited, I first set out to explore translations of urban policy into municipal routines and documents, in particular their relation to sustainability objectives.<sup>9</sup> To add to the comparative objective of the project, I had already framed the scope of my attention to France, a country that I had previously lived and worked in for three years, through which I became proficient in French. My attention was brought to Bordeaux because of the comprehensive urban redevelopment schemes that had been initiated fairly recently, which were receiving praise nationally and internationally, thereby spurring my interest in inquiring into what lied behind the urban strategies of this supposed 'best practice' example. Moreover, in recalling Bruno Latour's (1987) encouragement to study science and knowledge "in the making" before they are "ready-made," the transition period that the introduction of a revised plan implied presented itself as a

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<sup>9</sup> This study is part of, and funded through, the research project, Organizing Sustainable Cities. Based on my research in Bordeaux, I have co-authored two articles, one in submission and one manuscript, together with Petra Adolfsson and Sophia Peacock, and co-edited the book *Dilemmas of Sustainable urban development: a view from practice* (2020) with Jonathan Metzger.

fitting lens through which one could approach local planning concerns and dynamics.

The truism stated by Charlotte Aull Davies that “the process of analysis is intrinsic to all stages of ethnographic fieldwork” (1998: 193) also applied in my case. The more interviews and encounters that I did, the more my focus shifted. The revision of the plan, which I initially approached through its positioning towards sustainable urban development, was made to be more about novelties among local actors in terms of its contextualized qualities. Bordeaux Métropole happened to be among the first intercommunal organizations in France to revise their PLU following several legislative changes, and this added to a keenness among planners and local politicians to demonstrate their achievement during the first months of my fieldwork. The sites I revisited most frequently included the administration buildings for the metropole and the municipality of Bordeaux and the building of an urban planning agency that was consulted for the plan preparation, which were all centrally located. As I made my way through the planning bureaucracy, I met with planners and officials in the metropolitan administration who worked across the member municipalities. The permit administrators I met were members of the metropolitan administration, though they only worked with permits within the municipality of Bordeaux. It is the urban geography of this municipality with which I have become most familiar, and where most of the situations I describe took place. At the same time, my analysis also touches on intercommunal relations. The other municipalities that are relevant to my analysis are introduced along the way in the text. I generally reference to the metropole or particular municipalities. Occasionally, when greater detail is irrelevant to my analysis, I refer to the public administration to denote the organization of officials tasked with implementing policy and local government, to emphasize the body of elected representatives that establishes policy.

Bureaucracies are peculiar settings for ethnographic studies; spaces where bureaucratic practices take place can be lively with interactions, affections and negotiations, although representations of them are commonly stripped of signs and evidence of the relations constitutive of their functioning. I found this particularly challenging a couple of months into my fieldwork when I was confronted with numerous conflicting pieces of information across the formal depictions of French planning, public communications by local politicians and officials sharing details about dynamics at work. Hoag elucidates potential sources of such confusion when noting how bureaucratic structures “predetermine their own empirical boundaries and the terms of their own investigations” which “make non-normative approaches exceedingly difficult; the analyst can hardly fail to index discourses and behaviors against a set of (written) laws and regulations” (2011: 83). An important moment for

my understanding of what I observed was when I engaged in discussions with urban professionals about how to decode particular permit review activities that diverged from the formal descriptions of how planning law operates. I got in touch with a French land-use attorney who confirmed what the law texts prescribed: “there is no veto power” that mayors or any state agent holds when it comes to permit decisions, which must instead be grounded in the PLU and the *Code de l’urbanisme*. While this resonated with what I had heard from local practitioners in Bordeaux, it upheld a presumption that any diverging practices were deviations from the norm and what could be considered lawful. As I shared my understanding of the practices that I had observed, the lawyer noted that he had extensive experience with similar practices across France. They were due to “privileged relations (*relations privilégiées*)” between mayors, developers, residents and other urban actors, which were impossible to explain from a legal perspective, he assured, as they belonged “to the sociological domain.” Although this suggestion was not very helpful in illuminating the reasons for, or effects of, practices that seems to transgress planning law, it was a key revelation for me and prompted me to shift my focus slightly. Consequently, in the analysis I put forward here I am less occupied with the empirical boundaries set by the planning bureaucracy itself with regard to the definition and specification of its own activities or with normative frameworks of what kind of activity planning is and should be.

I think of my field as an “arbitrary location,” the heuristic device proposed by Matei Candea (2007) to acknowledge the necessarily bounded scope of any field site and the researcher’s participation in defining its boundaries. The “arbitrary location,” Candea writes, is the antithesis to the ‘ideal type’ that is an easily definable abstraction but hardly an actually existing place or process. Ideal types may be a planning system or a bureaucratic structure conceived as a specific set of rules, procedures and outcomes. As a contrast, the arbitrary location is an “actually existing instance” that acknowledges its “messiness, contingency and lack of overarching coherence” (Candea, 2007: 180). However, the location is “arbitrary” because it is not inherently linked to the overarching object of the study for which the location is made a site of analysis. This link comes to bear through the work of the analyst who pieces together an account to make sense of an extensive array of potential directions. This linking between locations and specific research objects relates to the main theme of my analysis – context – as Candea points out through Vered Amit, who notes that in the “world of infinite interconnections and overlapping contexts” any ethnographic field “has to be laboriously constructed, prised apart from all the other possibilities for contextualisation to which its constituent relationships and connections could also be referred” (2000: 6). In other words, urban planning is an object of study situated

in the intersection of multiple contexts. My conversation with the lawyer highlighted the fact that planning practices were about law, but they also told a story about social relations and power struggles. While an analysis interested solely in legal ramifications might label and therefore disregard the supposedly deviant practices of manipulating formal planning procedures and regulations as irregular, I show how deviant and formal practices were intricately intertwined.

### **The research process**

Before going to Bordeaux for the first time, colleagues of mine that had experience conducting interviews with planning officials kindly cautioned that gaining access to the planning bureaucracy would likely be challenging. Their cautioning drew partly on my lack of gatekeepers, but also assumptions that the public administration would function through firm hierarchies and mostly closed off to an outsider, which were assumptions well rooted in the stereotype of French bureaucracy as rigid and rule bound with communication mainly carried out through paperwork. Luckily, my experience was slightly different. I was received by staff at the research center PAVE at the *École Nationale Supérieure d'Architecture et de Paysage de Bordeaux* who shared their longtime involvement in French and Bordelais planning, which facilitated my navigation through the local political administrative system and referred me to a few key persons. It was initially challenging to get responses to interview requests solicited by email. However, I soon met individuals at public events organized by the public administration around related themes, which was helpful in getting positive responses to interview requests, and from that I gained new contacts. Another defining moment occurred as part of the search for the PLU that I recounted briefly in my introductory vignette. When I asked for the document at the metropole administration, the receptionist offered to call an official who could come assist with my review of the document, which was something they apparently did routinely to answer questions from visitors. The official that arrived seemed intimidated when learning that my interest related to a research project and proposed that I would be better off meeting the plan coordinator who was more up to date with the details. An interview was soon booked to take place a few days later, and through this first interviewee I was helped to arrange interviews with several planners in the planning unit.

Initially, my encounters with permit reviewers and planners were in the form of semi-structured interviews lasting one to two hours. I recorded the majority of the around forty interviews that I did of this kind with the consent of the interviewee(s).

I came to recognize that what Weszkalnys has pointedly observed about doing research in city administration, namely that “interviews are considered the most appropriate form of interaction with the researcher and many issues are deemed either too trivial or too sensitive to be discussed” (2010: 21), also applied in my case. But even if I therefore generally resorted to interviews as the initial method when meeting with new interlocutors, I was also eventually invited to participate in meetings and to sit in with permit reviewers in their offices. Being known to the staff in the planning unit in the metropole, the land law department and a group of planners in the urban planning agency, enabled me to meet with interlocutors in a variety of settings. I was invited to participate in meetings between planners, permit reviewers and applicants about permits and seminars organized by the municipality of Bordeaux, the metropole or the urban planning agency. I also spent mornings in the offices of permit reviewers and occasionally met outside the administration building for coffee or an after-work drink. Some of the meetings that I attended took place among permit reviewers who gathered to assist each other in determining how to apply the PLU in specific permit cases and meetings between officials and applicants where the latter’s permit proposals were discussed. During the informal conversations and meetings I participated in, I would scribble notes in my notebook that I would expand into more detailed field notes as soon as possible after the encounters.

It should be considered that my age and appearance, along with my foreign accent, may have played a role in the way interlocutors received me. While I introduced myself as a doctoral student (*doctorante*), mentioned my institutional affiliation and the rationale behind the research project financing my study, interlocutors sometimes took me for a student (*étudiante*), which I noted as they presented me to their colleagues. As such, my requests for interviews seemed to be treated as if they related to a less significant school project and as such, harmless, a position that Elif Babül (2017: 22) has previously suggested helped her gain entry into another bureaucratic setting of Turkish government workers. Further, my proximity in age to several officials in the land law department played a role in establishing relationships that facilitated more day-to-day participation in their work than what I had with the planning unit for instance.

The persons that I encountered can be roughly clustered into four groups who will reappear throughout the chapters: agency planners, metropolitan planners, permit reviewers and local politicians – the latter primarily consisting of mayors. The agency planners were privately employed by an urban planning agency with technical expertise the public administration used to consult for the plan preparation. The metropolitan planners worked as officials in the planning unit of the metropole

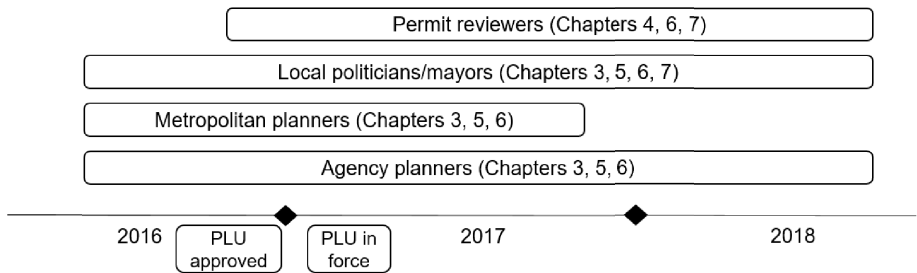


Figure 4. The distribution of encounters with different actors over the course of my fieldwork in relation to the PLU being approved and coming into force.

administration; they were in principle bureaucrats enacting the political agenda. They In addition to those specific groups who compose the main bulk of my material, officials from other departments including those of nature, transport and housing, metropolitan land-use attorneys, university researchers and architects I met with also populate my account. Figure 4 illustrates the periods through which I have met with the four main groups throughout my fieldwork and how this relates to key moments in the plan production that will reappear in my analysis. The illustration does not give a full picture of all interviews I did but serves as an overview of how my fieldwork was distributed over time and how the different groups figure throughout the chapters. As the figure shows, the first period tended to focus on planners and the finalization of the plan, whilst the latter period focused more on permit review in line with where the plan operated. Local politicians figured throughout, and I kept in touch with agency planners who proved to be important interlocutors for diverse observations of ongoing local politics throughout the research process.

I split my fieldwork into six stays that lasted approximately two to eight weeks each over the course of two years, with a total of eight months in Bordeaux. In between the stays, I focused on reading up on documents, transcribing interviews and staying updated on ongoing local politics through news outlets and occasional contact with interlocutors. The distribution of my fieldwork over several separate stays enabled me to attend to the settings prior to and after the plan was validated, which was crucial for getting a sense for the intentions invested in the plan and how it eventually landed in the practices of the land law department. It also made it possible to connect the ways different events and practices were linked through time. The fact that this arrangement rendered it difficult to participate in the full course of specific building permits that extended over at least a couple of months was less of an obstacle, since my analytical interest was in investigating the broader dynamics of

local planning activities and politics through the plan as a lens. In other words, I have not read the practices that I attend to as immediately bound to the plan itself or the moment of its validation. Rather, they intersect in different ways in various settings and at different occasions around the introduction of a new land-use plan. The temporal context was also beneficial for gaining access to interviews. The planners were keen to share their views on the work that they had put considerable effort into over several years by the time of my arrival in the spring of 2016. At that time, the land-use plan in question was foremost addressed through expectations of what was to come.<sup>10</sup> When I met with planners a second occasion over a year later, other sets of stakes relating to the mayors' use of the revised plan appeared more urgent, and the air of anticipation was absent. At that time, it was less about the near future that the plan was to guide and more about the present. For permit reviewers, the change in the regulatory framework meant that they were faced with new sets of rules and changed practices, which was a moment that provoked reflection on their work, in which I was welcomed to participate.

The separation of my fieldwork into several stays, although it turned out to be helpful to attend to extended bureaucratic procedures and the course of the land-use plan over time, posed a challenge for my relationships with interlocutors, as I would sometimes be away for several months between visits. I kept in touch with several persons while away, and they were helpful in facilitating my return visits. Bureaucracies are forgiving as field sites in that regard. Due to their extended procedures, a couple of months make little difference, and throughout my stays, most officials would remain in their positions. I came to realize how several interlocutors had become accustomed to my return visits. During one stay, I met up with a planner close to a year after my original visit, and he greeted me by sharing that he had been worried something happened to me as I arrived late. "You've always been on time!" he exclaimed, before realizing that he got the time wrong for our meeting.

The more open and exploratory research design I selected allows the focus of a study to shift as the research proceeds. As Davies (1998: 46-7) notes, this requires a renegotiation of consent from participants. I have addressed this issue through several strategies. Upon my first meeting with interviewees, I informed them about my research interest and its overlap with a broader, comparative research project.

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<sup>10</sup> Some colleagues in Bordeaux suggested that the relative ease of access to interviewees might have been facilitated by the fact that throughout 2016, the mayor of Bordeaux and president of the metropole was out of office much of the time focusing on his campaign for the national 2017 presidential elections, since it relieved pressure on the officials.

Interviews were preceded by, or followed up by, an email where I outlined my research project in written form and also shared my contacts in case the interlocutors had an interest in following up. With persons that I met recurrently, the fact that I left and returned at several occasions meant that we naturally came to talk about what had happened since the last meeting, which gave me the opportunity to update them on the course of my research. This was primarily about keeping interlocutors updated about the progress of my study focusing on land-use planning procedures on the one hand, and my work within the overlapping research project focusing on sustainable development in planning procedures on the other hand. I consider my field notes to be free from incriminating details, as they regarded what seemed to be widely acknowledged although not necessarily explicitly stated in the public administration's public communications. However, keeping in mind Hull's (2012: 32) caution that information can become controversial in written form and when pieced together into analysis, I informed interlocutors about other parties I was meeting with to give a sense of the range of perspectives that I encountered. They sometimes already knew this information through word of mouth within the relatively small group of persons involved in the realm of land-use planning I focused on.

Throughout the chapters, I refer to people by fictional names and occasionally by their position or profession (administrator, official, lawyer, mayor). Out of concern for anonymity, given the relatively limited group of people working within the planning bureaucracy, I have been careful to minimize the details connected to certain quotes. I have done this, for instance, by occasionally using the more general term 'official' to denote the position from which the person spoke as an employee in the public administration, without specifying the details of the individual's role. I have chosen not to specify the names of mayors (with the exception of those in the municipality of Bordeaux) even if they are easily identifiable. I have done this less because of a preoccupation with anonymity, given that they are public figures, and more because of it being their actions in the role of mayors that are of interest to me here more than the specific persons. All interviews and conversations were carried out in French. I transcribed the recorded interviews and translated, to the best of my ability, the sections that became useful for my analysis and the quotes from cited documents, to English. I wrote field notes from my conversations, meetings where I participated and public events primarily in English with quotes and expressions I observed recorded in French, which I did to remain observant of repeated notions and among whom they were used. Although I am proficient in French, at least to the extent that maintaining conversation in a variety of situations went smoothly, I encountered a specialized vocabulary within public administration and urban

planning with which I was initially largely unfamiliar. I have included certain expressions and notions in italics that I have deemed to be important for the reader to access the original notions and to characterize the nature of various situations and the tone of conversations.

In addition to interviews and participation in meetings, I spent considerable time with documents, primarily focusing on the land-use plan of which I provide a more detailed presentation in Chapter 3. Here, it suffices to note that while I have done a cursory examination of its thematic policies, my focus has been on the emergence of the regulatory framework in practice as it was evoked in relation to concrete building permit cases. When central to my analysis, I provide details of formulations in the plan, as this document was not merely a source of information but played a role for the course of events in certain settings. There were also other documents that I turned to, for instance the regional plan (*SCoT*), charters and descriptive documents published by Bordeaux Métropole and the municipality relating to the city's development and architecture, council protocols and decrees, the *Code de l'urbanisme* and ministerial reports. While some of these documents explicitly contributed to my analysis, I used others mainly to orient myself in ongoing reforms and issues, which was helpful background information for initiating and developing conversations with interlocutors. These documents helped me understand diverse references and issues brought up in conversations and raised questions that I brought into interviews.

In order to expand my understanding of local life and politics in Bordeaux, I participated in numerous settings that are invisible in this account but crucial for my understanding of the detailed events. These include district community meetings, public hearings on planned local infrastructure work, book launches, urban walks and representative meetings held by local politicians to launch policy agreements and collaborations. Moreover, during most of my visits I stayed with doctoral students from universities in Bordeaux, and our everyday conversations relating to their knowledge of local issues and language translation challenges were helpful. When engaging in participation and making observations through ethnographic research methods, having a degree of unfamiliarity with the context one is researching is often held up to be a beneficial tool, as it enables the researcher to remain attentive and curious about things that might appear mundane and self-evident to the insider (DeWalt & DeWalt, 2010: 82). However, this is also an exhausting position at times. Nevertheless, digesting impressions and asking for clarifications of specific words and procedures that I had heard referenced in interviews and meetings without properly grasping their implications, was very useful.

## Organization of the thesis

The following chapters move between different legal-administrative periods when various planning-related activities were taking place. The chapters focus on different sets of practices premised on administrative procedures: preparing a plan, pre-reviewing a permit, preparing a permit decision. However, the practices that the following chapters detail overlap across procedural separations and do not correspond to a chronological order.

Chapter 2 provides a historical outlook on French urban planning and its roots in the formation of a government bureaucracy. The first half of the chapter focuses on how urban planning took shape as a field of state intervention around the turn of the 20<sup>th</sup> century and how it eventually consolidated into a planning system for land-use zoning ordinances, placing emphasis on the role of prescriptive plans for coordinating urban development. The second half of the chapter tracks the changes of this planning system that occurred through reforms at the turn of the 21<sup>st</sup> century, reforms that focused on modifying land-use planning into a more prospective activity centered on project-making as a guiding notion. This shift shared similarities with what planning theorists have framed as a shift from spatial to strategic planning. The chapter emphasizes that, at the same time, the planning system remained anchored in specific legal-bureaucratic arrangements, and that the modifications in planning were entangled with reforms aimed at recentralizing land-use planning to intercommunal organizations.

Chapter 3 moves away from the central state level to instead consider how Bordeaux Métropole, along with its member municipalities, positioned itself within planning and local government reforms. It sets a scene that illustrates the urban development in recent years that the land-use plan related to and details its content in terms of specific objectives and documents. Local politicians echoed the reasoning behind the recent planning reform and depicted the land-use plan as inert, rigid and rule bound, thus obstructing the possibility for creative and qualitative urban construction projects. I show that the revised plan was expected to function as a vehicle for the coordination and control of the metropole's development, while also functioning as a flexible instrument without posing constraints.

Chapter 4 focuses on the preparation of the revised land-use plan and the particular intentions with which it was invested as “adapted to context.” Through an analytical modality that I conceptualize as a ‘contextualization of contextualization,’ I found that agency planners, metropolitan planners and local politicians were all, as plan makers, unhappy with the way the regulatory framework had traditionally functioned, though they had various reasons for this sentiment. Agency planners

wanted to move from prescriptive blueprint planning towards a planning instrument that is more adaptable to diverse urban geographies; metropolitan planners were concerned with assuring that the member municipalities stood united behind the shared plan; local politicians wanted to assure that they could influence permit decisions in respect of municipal interests. The contextualization of the revised plan thus had a range of implications and referred to varied processes. In this chapter, I show that as the plan started to be implemented in the realm of building permits, concern among local politicians about the ability to influence the course of permits took prominence.

Chapter 5 moves to the land law department and the work of the land-use plan among permit reviewers. I analyze this line of work in dialogue with the depictions of the PLU and its operations as a quintessentially bureaucratic practice presented in Chapter 3. By approaching interpretations as a textual practice, I show how the uses of rules took shape through interactions between permit reviewers, legal frameworks, rule formulations and the specificities of permit applications. While the preparation of permit decisions was tied up with the regulatory framework that influenced the course of decisions, this line of work was imbued with openness to interpretation among permit reviewers. They were concerned with establishing collectively shared understandings to align how a rule was defined in relation to diverse applications, what they called “doctrines.” I suggest that more than a change in the degree of interpretation, the revised regulatory framework meant an ongoing attempt among permit reviewers to establish solid connections across new rule formulations and permits.

Chapter 6 examines the way the revised plan’s sensitivity to contexts was performed by focusing on two settings relating to permit review, and more specifically, how they related to authority in different ways. The first part of the chapter visits pre-application meetings where officials and mayors receive aspiring applicants to discuss their permit proposals, which relied on selective uses of the temporal arrangements around permit decisions that mayors ultimately signed. The second part of the chapter explores what it meant that permit reviewers were expected to consider the “spirits of rules” – their objectives rather than literal meaning – which shifted the grounds on which they were to prepare permit decisions. These two settings, I suggest, indicated how the authority of land-use decisions shifted from legal-bureaucratic grounds to instead rely on the capacity of mayors to influence permit decisions. I conclude with a discussion about how that shift gravitated towards a fragile authority as subsequent legal temporalities were brought to bear on decisions.

Chapter 7 centers on a specific set of regulations pertaining to architectural features. It elaborates on how an architectural context with appreciations of particular aesthetical elements was constructed through activities in the planning bureaucracy. While central to the local government's use of the historical architectural legacy as a resource, this set of rules was also mobilized as a pocket of flexibility. Drawing on previous chapters, which suggested how the aspiration to contextualize was executed in permit decisions, this chapter shows how the vagueness of rules provided opportunities to refuse undesired permits on grounds beyond what was defined in the regulatory framework. I begin the chapter noting that there is an inherent degree of arbitrariness in the application of rules – there is no intrinsic relation between a rule and what it refers to. Meanwhile, the manipulative uses of the regulatory framework shed light on the political arbitrariness in land-use planning processes.

Chapter 8, the conclusion, ties together the different threads of analysis developed throughout the chapters about different relations across contexts and temporalities. I discuss what the analysis have proposed about the occurrence of clashing contexts, of contexts as a pretext for ensuring influence in a complex political landscape, and of the politics of contextualizing.

## 2. Shifting Planning Ideals in France

As I began to meet planners who were involved in the PLU preparation, they repeatedly referred to different national legislation items that had played a role in the document's content and function. One planner pointed out that upon the launch of the plan revision, the local politicians had "requested that we do [the revision] according to the *urbanisme de projet*," which was a notion that figured into national policy endeavors to reform the planning system. Reading up on the implications of the expression *urbanisme de projet*, it figured as a construct proposed by the national government that drew on several pieces of legislation introduced in the mid-2000s regarding more comprehensive and transversal land-use planning favoring collaboration across government levels and urban actors. A 2011 communication from the ministry responsible for housing and urban planning pointed out several problems with the planning system: "the complexity of urban law, the accumulation of rules not formulated according to the needs of each territory and not translating their political project, the length of procedures and appeals that hamper the realization of ambitious projects."<sup>11</sup> These identified problems had already started to be addressed through several legislative changes and would continue to be addressed over the following years. According to the communication, *urbanisme de projet* related to a number of proposals: a "simplification" of the elaboration and approval procedures of planning documents, a "simplification" of procedures relating to building authorizations and a "simplification of the regulatory framework of the PLU in favor of projects." The introduction of this notion, together with recent reforms, signified that the French planning system was undergoing a shift, and the revision process for the PLU in Bordeaux was carried out right in the middle of this shifting approach.

While the planning system and more specifically the PLU, as a specific kind of planning instrument, was undergoing changes, there were aspects of the procedures in Bordeaux that originate further back in time. Asdal and Moser note that "objects always carry their prior contexts and histories with them" and "that they always have to actively adapt and adjust to new contexts" (2012: 299). As they point out, "[y]esterday's text is already a document from the past" (Asdal & Moser, 2012: 302), so taking a synchronic approach when analyzing documents tends to ignore

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<sup>11</sup> Benoist Apparu. (2011). *Pour un Urbanisme de projet*. Ministère de l'Écologie, du Développement Durable, des Transport, et du Logement. Retrieved April 17, 2020, from [http://www.planbatimentdurable.fr/IMG/pdf/DP\\_Urbanisme\\_de\\_projet.pdf](http://www.planbatimentdurable.fr/IMG/pdf/DP_Urbanisme_de_projet.pdf). My translation.

their historical contexts that may come into play in the ways that they operate and in what they come to mean. This calls for analyzing the broader institutional and political setting in which documents are made and put to work, as context “does not coexist with text ‘synchronically’” (Fabian, 1995: 48). Meanwhile, given that a context is not a pre-existing set of connections, considering the historical dimensions of documents is a form of “historicizing,” since the particular contexts that are evoked come about through the reading and analysis of different actors and positions of past events (Asdal & Moser, 2012). In this chapter, I outline a set of historical and political connections that appeared to play into the dynamics that I encountered in Bordeaux around the time that the land-use plan was being revised. It builds primarily on historical-sociological accounts of the foundation of French public administration and planning, and on ministerial documents along with the analysis of the evolution of the planning system by different scholars.

The chapter begins with a rough description of how land-use planning took shape through particular ideals about how to govern spaces and populations in the 19<sup>th</sup> century, which eventually formed into a state-led approach to planning across the national territory of France. The planning system embedded into specific relationships across governmental levels and planning documents and anchored in technical-bureaucratic arrangements favoring certainty and legality. The rationale informing the eventual enactment of a planning law in 1967 would later be called an *urbanisme de plan* to denote its focus on regulations and formalism through hierarchies of plans. Among the many possibilities in framing the purpose and operation of urban planning and land-use plans, I focus on the foundational ideas of public administration as an entity that operates through a rationality, which was made central to the legitimacy of authority for the state’s actions. This focus was spurred through my encounters with contemporary concerns raised in Bordeaux about the unfortunate characteristics of plans and their procedures that resulted from the oscillation between theorizing and empirical work, just as contexts emerge from a process that “works in a dialectical” way (Fabian, 1995: 48). Thereafter, I describe the critique that emerged against the planning system, a critique and shift in course that was mobilized around the notion *projet* that was picked up in the planning reform initiative in 2000. The reform introduced elements in land-use plans that were to function more as an adaptable road map for development rather than as a prescriptive document. In parallel to the reforms in the planning system, I highlight several changes regarding the organization and competencies of municipal and intercommunal organizations that came to impact the prevailing dynamics in Bordeaux.

Socio-political processes seldom unfold in a completely orderly fashion. Rather, social processes are generally better understood as messy endeavors. Nevertheless, research methods and writing tend to generate a sense of order and coherence rather than portraying the contingency and messiness of the world (Law, 2004). Likewise, the object of state-led urban planning is a ‘messy’ object and any singlehanded approach to what it *is* risks concealing other possible ways of comprehending and narrating it. Coupled with the assumption of messiness is the understanding of change as an inherent feature of social processes. The shift between planning ideals that I outline here should thus be read as one way in which ongoing change can be understood and ordered in light of what appeared to be the issues at stake within urban planning in Bordeaux in the mid-2010s.

## Rationality, regulations and plans

The French constitutional state that was taking shape in the early 19<sup>th</sup> century was anchored in a firm belief in reason. The state, as a societal organization, was to employ rationality to assure the freedom of its subjects from the tyranny of the king, who was removed following the French Revolution in 1789. As Pierre Rosanvallon postulates in his historical and sociological accounts of French democracy, the relationship between law and freedom in France was to be achieved through “the establishment of a (good) authority, a rational authority, based on science” (2002: 688). Science was now regarded as an activity that was to rely on evidence, which gave access to the universal and general as opposed to opinion and the particular, and therefore functioned as a guardian against arbitrary power. The belief that reason was the ultimate key to the proper exercise of authority was translated into the establishment of a “rational government” for which the administration of law was accommodated in bureaucracy, the organizational form evolving in the second half of the 18<sup>th</sup> century (Rosanvallon, 2002). The term *bureaucratie*, meaning “rule by desk,” is believed to have been coined by the French political economist Jean Claude Marie Vincent de Gournay in mid-18<sup>th</sup> century (Hull, 2012a). When Weber outlined the ideal functioning of bureaucracy, he did based on inspiration from the French experience, detailing for instance how “the thoroughly rationalized system of specialized ministers and [territorial] prefects, as in France, offers significant opportunities for pushing the old forms everywhere into the background” (1968/2006: 66). The political-administrative arrangements of prefects, the state’s regional representatives, was instituted in 1800 to ensure that state policies were coherently and equitably implemented throughout the regions (De Montricher,

2000); the arrangement of prefects is still in place in France today, though its relationship with municipalities has shifted following decentralization measures, which I will address later on.

The Revolution also carried with it the creation of municipalities as the smallest administrative level incorporated into the state, some of which had been formed around villages and towns in the Middle Ages while others were freshly drawn on the map, as Thierry Oblet (2005) notes in an analysis of the relationship between democracy and urban governance in France. The *loi municipale* of 1789 created 44,000 municipalities (of which slightly less than 35,000 remain today<sup>12</sup>) and delegated powers to those on the municipal level, many of which remain in place today, for example, the control of local public spending, public infrastructure work and the management of municipal installations. However, the formation of a rational government left limited room for representative politics, since public opinion was considered fickle and erratic. When the right to vote was instituted (for adult men), it primarily had a symbolic purpose as a gesture meant to signify the people's belonging to the nation state, while a smaller group of elite elected the political deputies (Rosanvallon, 2002). While the movement following the Revolution encouraged people to exercise their political rights as citizens, the state established clear boundaries to these rights that were primarily implemented within municipalities at the level of local government (Oblet, 2005). The actions of the municipality were, and still are, closely regulated and scrutinized by the central government, partly through the office of the prefect. However, subsequent laws would give the municipalities a more important role in governance, with the 1884 law on universal suffrage for election of city councils being one important step. The city council was elected for 4-year terms (which later was increased to the current 6-year terms). By then, the "modern notion of mayor, as a public figure and head of family (*notable et bon père de famille*)" (Oblet, 2005: 15, my translation) had become established. The position of municipalities was connected to the idea of it being the level of political administration where the will of people is manifested, in contrast to the central state administration that operated more according to the logic of rational administration building on technocracy.

The belief in 'good' authority that was to be exerted through rationality placed value on the education of technocratic elites and civil servants who were to populate the bureaucracy. In the mid-18<sup>th</sup> century, royalty established educational institutions that would train administrators so they could take leading positions in the army

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<sup>12</sup> According to INSEE in 2019. Retrieved April 16, 2020, from <https://www.insee.fr/fr/statistiques/4277602?sommaire=4318291>.

working in infrastructure projects. The forms the French government subsequently took would incorporate these institutions (and create new ones) with the objective of educating a corps of competent civil servants (Van Zanten & Maxwell, 2015). In the ideals of rational government, merit-based entrance to elite schools was thought “to end the favouritism and nepotism linked to birth and social status associated with the *Ancien Regime* and to give priority to personal qualities assessed through what were perceived to be neutral procedures” (Van Zanten & Maxwell, 2015: 75).<sup>13</sup> Many of the officials that I encountered had passed these highly competitive exams – *concours* – that stem from this objective, which is a way for the public administration to assure access to highly-skilled professionals within different technical areas.

Clearly, “attempts to organize citizens and the laying out of cities in an orderly manner did not begin with European or American modernity” (Abram & Weszkalnys 2011: 4). However, specific forms of reasoning around ‘Modern French Urbanism’ were consolidating around the turn of the 20<sup>th</sup> century among state civil servants, architects and engineers (who occupied several of these roles at the same time) among whom many were commissioners in colonial cities (Rabinow, 1989). Several anthropologists have taken interest in pre-20<sup>th</sup> century modernist planning (Holston, 1989; Robertson, 1984), and Paul Rabinow (1989) in particular has investigated the modes of reasoning informing its formation in France. Towards the end of the 19<sup>th</sup> century, the object of intervention for French planning became no less than the entirety of “society (*société*),” conceptualized as a social order to be produced through norms and forms regulating natural and historical, as well as social and political elements. The “planned city” was ultimately “a regulator of modern society” Rabinow states (1989: 12). The society as an object, intended to encompass all aspects of life, was enacted through knowledge production including population statistics and other forms of quantified knowledge about urban life, health and criminality (Rabinow, 1989).

However, the state remained reluctant to institute the legislative means to regulate spatial development in respect of property rights and “liberal economic

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<sup>13</sup> Van Zanten & Maxwell (2015) argue that the system of separate elite schools that function as a gateway for entry into higher positions in the public administration, which is still favored by the state, consolidates the influence of the dominant social classes in the political sphere, and tends to sustain specific class-related normative understandings of institutions and their roles.

doctrines” up until the First World War,<sup>14</sup> which resulted in destroyed villages and towns giving rise to the perceived need for nationally coordinated planning (Rabinow, 1989: 330). A law enacted in 1919 demanded that municipalities with over 10,000 inhabitants develop land-use plans that took into account public spaces, open spaces, public infrastructure and health regulations through zoning that allocated specific land-use rights to different areas. The demand for plans covering a given administrative territory differed from previous laws on urban space that focused on regulating insalubrity, health, security and specific historical buildings. The 1919 law also required that new construction conformed to the plan and acquired building authorization, but it took several decades for these planning tools to become used by a considerable number of municipalities (Morand-Deville, 2003: 4). Municipalities were to develop and regulate land-use planning, and with the institution of plans and permits, “increased, but still limited, powers of enforcement were given to both the mayor and the prefect” (Rabinow, 1989: 331). However, urban planning generally remained a highly-centralized state endeavor, and there was a growing body of planning experts that “claimed legitimacy based on technical competence” (Rabinow, 1989: 332), thus affirming a close link between technical authority, bureaucracy and urban planning.

The state civil servant Pierre Massé (1962), a product of the elite schools training civil servants, proposed that the establishment of planning (*planification*) as a coherent state endeavor came about in late 1946. That year, the then president Charles de Gaulle appointed the *Commissariat Général au Plan*, which lasted until 2006 (which Massé directed for a period) and was a commission that prepared five-year plans for economic development. Soon after this emerging planning for economic growth was introduced, the minister of Reconstruction and Urbanism presented the *Plan National d'Aménagement du Territoire*, which “established national norms through the specification of standards for equipment” (Rabinow, 1989: 4). Rabinow writes that the notion *aménagement* implies the use of science and art to achieve several adjoining activities of development: to “reorganize,” “renovate” and “clean-up” (1989: 3). The meaning of *aménagement* as a part of a national policy on planning for territorial coherence is paralleled with its meaning in contemporary urban planning relating to “the whole process of site development” (Galey & Booth, 2007: 34). The efforts

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<sup>14</sup> At least in the French territory in Europe. Earlier, in 1914, France instituted comprehensive urban planning legislation in Morocco that required cities to prepare plans prior to construction, specifying building regulations and architectural standards many times stricter than those that would first be initiated in France. The legislative changes were coupled with increasing expropriation and construction along with ideals opting for separation between classes and populations (Rabinow, 1989: 290-4).

mobilized through the *aménagement du territoire* were intended to promote the spatial distribution of growth across the territories in favor of “interregional equity” and, in turn, national growth (Ancien, 2005). The national planning policy that followed was rather “anti-urban (*anti-ville*),” Oblet (2005: 90) suggests, since it was partly a response to the socially destabilizing effects of rapid urbanization in the largest cities and to diminish the domination of the capital, Paris. Parallel to the central government-led programs of *aménagement du territoire*, there is the realm of *urbanisme* that relates to land-use planning undertaken by local public administrations (Breuillard et al., 2007: 57). It is *urbanisme*, which I refer to as urban planning, that is the focus of this study and the remainder of this chapter.

To sum up, the modernist planning endeavor in France was formed through an emphasis on the ideal of a government operating through rational laws and technical expertise. Urban planning was to be carried out by municipalities within a legal and administrative framework firmly controlled and constrained by the central state that ensured its presence in and influence on local governments through the prefects and regional state services. The planning rationale that emerged in the 1960’s and onwards, which will now be the focus of my discussion, was formed in response to the preceding years.

### **The introduction of comprehensive land-use plans**

Through the *loi LOF (loi d’orientation foncière)*, which was enacted in 1967, it became a statutory requirement for all local governments to prepare land-use plans (Morand-Deville, 2014). The 1967 law introduced a two-tier hierarchical system of central planning, which regulated urban planning and land use. The *Schéma Directeur* was to be prepared by groupings of municipalities covering a larger urban area, and they were “not so much strategic documents as the means of setting a framework for planning for growth” (Booth, Nelson, et al., 2007: 69). Municipalities within these groups were in turn to prepare a land-use plan known as a POS (*Plan d’Occupation des Sols*), which laid out precise regulations for land use through zoning and needed to be compatible with the *Schéma Directeur*. The POS, which was the legal basis for building authorizations, became a means to reconcile the right to property with the desire to control urban development, and the legal function of zoning was to guarantee building rights within the limits that the zoning regulations defined. The hierarchy of plans, their interdependence and the procedure through which building authorizations were to be processed was codified into French administrative law in the *Code de l’urbanisme* (which was already established in 1954 and has undergone

subsequent modifications). The code “sets out in detail how responsibilities of decision-makers are to be exercised and what the State requires of individuals,” and the zoning technique imposed on land-use plans was chosen to “define rights and obligations in a way that minimized chance and the abuse of power” (Booth, Nelson, et al., 2007: 73). A legal branch for land-use planning (*le droit de l’urbanisme*) was developed in response to the *Code de l’urbanisme*, which includes “the ensemble of rules concerning the use of space and its *aménagement*” and is related to the strand of administrative law that prescribes limitations to rights in the name of the “public interest (*l’intérêt général*)” (Morand-Deville, 2014: 1).

The planning system was thus firmly embedded in the tradition of coded law stemming from the constitution ratified following the 1789 Revolution, which defined rights, duties and privileges of both the individual and the administration with the objective of hindering arbitrary actions from the political ruling elite. This legal tradition has placed importance on the legitimacy of government action by grounding administrative action in agreed, constitutional principles (Healey, 1997). Philip Booth notes how this “created a culture in which legality would become the ultimate touchstone of administrative action and policymaking would become a process of making rules” (2005: 273), the traces of which are still evident in contemporary planning law.

The POS had statutory power (as does the plan PLU that replaced it); it specifies the development rights associated with a piece of land “that are confirmed through the granting of planning permission to build in compliance with building regulations” (Demazière, 2018: 66). The legal formalism in which land-use planning remains embedded runs through the arrangements for issuing building permits, the bureaucratic practice around which stakes of authority and contextualization were concentrated in Bordeaux that will be the focus of the subsequent chapters. The legal arrangements for appeals of permit decisions serve as a countercheck against discretionary decisions. There are two ways to appeal a permit decision. A *recours gracieux* is a demand for a reexamination of a permit decision by the party responsible for the decision (which in the cases that I later detail would be the mayor, but it could also be the president of an intercommunal organization or the prefect) (Mialot & Ehrenfeld, 2018: 405-6). An applicant or any third party who has grounds to claim that they are affected by the permit decision can demand a *recours contentieux*. It is an appeal to the administrative court who oversees the legality of decisions by public administrations, so any party that lodges an appeal must provide a reason for why the party contends that the contested decision is illegal (Mialot & Ehrenfeld, 2018: 401-2). Since the regulatory framework of land-use plans is binding on all parties, the judge largely turns to the regulations themselves when adjudicating a contested

permit decision. It implies that the local government that has the responsibility to review and approve or decline building permit applications must provide grounds for the decision based on the building regulations in the land-use plan. In comparison to the “compatible” relationship between the regional and local development plan, the relationship between the local development plan and permits is one of “conformity,” which means that what is in the permit must comply with what the regulatory framework of the land-use plan states (Breuillard et al., 2007). The legal arrangements of development rights are organized in a way that emphasizes the role of the public administration to ensure that decisions are based on the ratified policies and reduces the scope of discretionary power abuse. They were modeled according to what Weber (1968/2006) famously noted regarding the role of bureaucracy to ensure legitimate government action by precluding patronage relationships where certain individuals and interests are privileged.

Planning scholars have noted that the planning system formed through the *loi LOF* “was in no sense prospective” (Booth, Nelson, et al., 2007: 69) because of its procedural rigidity which prevented the malleable use of planning to work towards diverse growth objectives. The rationale that characterized the planning system of the *loi LOF* revolved around a belief in the capacity of legal arrangements to realize the desired urban development and to regulate socio-spatial development as well as the effects of economic development. It has been called a “plan urbanism (*urbanisme de plan*),” which presumed a degree of public interest on the part of public authorities and that scientific rationalism would optimally regulate the growth of cities (Pinson, 2009). This scientific rationalism was manifested in the creation of urban planning agencies (*agence d’urbanisme*), a form of private association jointly managed by state and local authorities who to a large extent provide the funding. The role of the agencies was to provide technical expertise for the benefit of local governments, who lacked such competence within their own administrations, in a time of expansive urban development needing urban expertise and regulation (Breuillard et al., 2007). The urban planning agency that was established in Bordeaux in 1967 has continued to exert a manifested influence on the city’s politics on transport, housing and planning up to the present day.

The first phase in the development of modern urban planning in France, which I have described above, primarily concerned the emergence of urban planning as a government project with a focus on the role of bureaucracy and technical expertise as a means to ascertain a rational and legitimate authority. The second phase, which ran until around 1970, centered around the consolidation of plans and regulations as means to address the relationship between the ‘general interest’ and that of private property and the right to develop land. It emphasized predictability and scientific

rationalism. The characteristics of land-use planning I have described would, in retrospect, become perceived as overly focused on the issue of the ‘plan’ as a means for coordinating planning. The third phase, beginning roughly around 1980, mobilized the notion of *projet* and focused on enabling more strategic and prospective dimensions in planning, in part through attempts to make the planning system more flexible. Experience with the legal framework and the planning procedures instituted with the 1967 law, together with other socio-political forces nationally and internationally during the following decades, eventually had an influence on subsequent, major planning reforms.

## Project planning

The next major planning reform following the 1967 reform came in 2000 through the *loi SRU (loi relative à la solidarité et renouvellement urbain)*. Its key notions were “solidarity” and “urban renewal.” “Solidarity” addressed the growing attention given to the housing crisis and growing social inequality that materialized into an increase in socioeconomically disadvantaged populations both in major cities and small towns in regions across the country, which throughout the 1980s and 1990s had become a dominant issue in public debate (Booth, Nelson, et al., 2007). The concept operated on two levels: with regard to desired social cohesion across urban geographies and with regard to a coherence of urban policy in favor of an intercommunal approach to planning (Goze, 2002). “Renewal” addressed the identified necessity to favor sustainability to reduce urban sprawl and the concentration of constructions within and in connection to already urbanized zones (Goze, 2002). The planning documents were revised to address these challenges. The *Schéma Directeur* was replaced with the SCoT (*Schéma de Cohérence Territoriale*), and the POS was replaced with the PLU. The importance of the SCoT was enhanced since without this document, no land development was allowed (Booth, 2003). Moreover, both of these documents were to be equipped with a strategic document – a *Projet d’Aménagement et du Développement Durables* (PADD) – taking into consideration how the planned development was sustainable. It was no coincidence that the strategic document included the word *projet*. It responded to a set of ideas that had been growing in influence over several decades, which were now manifestly brought to bear on the domain of regulatory land-use planning.

Brought into discourses on urban planning from the architect profession since the 1970s, the notion of *projet* came to be associated with the aspiration for more flexible forms of planning to respond to complex issues. Patrizia Ingallina (2008)

identifies three dominant aspects that informed the emergence of the *projet* rationale: local administrations unequipped with the means to address the range of societal issues they are responsible for (e.g., economic development, social exclusion, unemployment), increasing inter-city competition and attempts to counter reliance on technocratic expertise by involving a broader range of actors in urban development procedures. Based on studies on the use of this notion in France and Italy, Gilles Pinson (2006) categorizes the *projet* rationale in comparison to previous reasoning centering on the ‘plan’ as an instrument. Whereas the latter built on expectations of techno-scientific knowledge to inform political decisions whose realization were assured through the presence of a regulating public administration, the *projet* rationale builds on expectations that the public administration would make decisions and policies through consensus in negotiation with private actors and the civil society (Pinson, 2006). Where the plan rationale would embody a more functionalist understanding of the city as an object that can be molded into a desired shape, the project ditto is informed by an understanding of the city as a relational space defined in terms of its qualities, its identity and relationship to other sites and scale. Moreover, it carries with it attempts to make land-use planning more supple in order to manage and respond to uncertainty in a world of complex relationships (Arab, 2018).

It should be noted that *projet* does not neatly translate into the English ‘project.’ Booth notes that the intention of the notion in French planning “has to do with prospective plan making and begins to equate to the way the word vision has been used in British planning but with the clear understanding that it must be linked to specific action” (2009: 694n2). *Projet*, as a matter of urban governance and planning, consists of both of a strategic dimension of urban policy being prepared through collaboration between different governmental levels, and an operational dimension of urban transformation through negotiation between private and public actors about the objectives of a development and the means to achieve these (Chadoin et al., 2000). In Bordeaux, the word *projet* was used by officials to denote the overall political project of the metropole or municipalities, the specific zones subject to major construction projects and to refer to specific construction projects. Moreover, it was used to refer to policy programs for green areas and natural spaces. As an example, two high-profile officials discussed the suitability of using the term *projet* to refer to nature, where one firmly argued that to “have a projet (*avoir un projet*)” does not equate to an ambition to build something, it simply means having an outline of an idea about the future of a given area. In that sense, the notion encompassed the ideal that the public authority should have a strategy for spatial development across different kinds of environments.

The shift in French urban planning towards increased collaboration between different actors, a more prospective approach and decreased inflexibility echoes a trend towards more “strategic planning” that theorists have identified across different planning systems (Albrechts, 2004; Albrechts et al., 2016; Friedmann, 2004; Salet & Faludi, 2000). Patsy Healy et al. define the strategical dimension of planning as implying “the pursuit of spatial policy for a region in such a way that the components of that policy reinforce each other, also that they take account of the characteristics of the region” while caring for “the qualities and relations of places” (1999: 340). These concerns were present in France, where the strategical dimension of planning was introduced by enhancing connections between sectoral policies and collaboration between public authorities and developers (Serrano & Demazière, 2016; Verhage et al., 2007). This shift was amplified through the planning reform *loi SRU* that integrated the *projet* rationale into land-use planning in different ways. The new kind of land-use plan required that local governments elaborate a PADD which was to ensure a more prospective dimension by enhancing connections between the strategy and the subsequent formulations of the detailed regulatory framework (Booth, et al., 2007). A subsequent legislative change required that instead of figuring in separate plans, housing, mobility and environmental policies needed to be jointly elaborated for a more transversal approach to socio-spatial development (Melot, 2009). Eventually, a new tool for larger development projects would introduce the option to have certain zones equipped with development objectives without precise, detailed regulations.

### **Zoning and flexibility**

Where regulations for zones generally specify maximum heights, volumes, and the building footprint, for instance, the PLU included the option to complement certain zones with an OAP (*Orientations d'Aménagement et de Programmation*). The OAP was in some ways a continuation of the ZAC (*Zone d'Aménagement Concertée*), an option introduced with the *loi LOF* as an exception to legislative requirements to include prescriptive regulations in the POS. The ZAC basically allowed a derogation from the requirement to predefine regulations for larger development projects and provided a degree of flexibility by giving local governments more freedom to modify regulations within a given zone throughout its development. While, as Sonia Guelton states about French planning, “the land-development strategy generally comes from the public sector and is translated into prescriptive planning documents” (2018: 553), the ZAC offered an alternative for public authorities to define the regulations of a



Figure 5. Photograph of a zoning map from the previous POS of Bordeaux with an area making up a ZAC to the right of the Garonne.

development zone in discussions with developers throughout the course of a construction project. In the cadastral map of land-use plans, the ZAC is materialized as a delimited zone functioning as a pocket where alternative procedures apply (see Figure 5). Just as Ong has suggested, zoning techniques thus provided “the mechanisms for creating or accommodating islands of distinct governing regimes within the broader landscape of normalized rule, thus generating a pattern of variegated but linked sovereignty” (2004: 75).<sup>15</sup> The OAP was introduced to further stimulate negotiations and give more space for developers to participate in shaping construction projects (Zitouni & Dubois, 2017). Bordeaux made use of the openings offered by OAPs for several of its major construction projects that were geared

<sup>15</sup> The use of zoning is extensive in French politics, also beyond the realm of urban planning regulation. A tendency to establish zones for economic activities in peri-urban areas has contributed to urban sprawl (Serrano et al., 2014). In urban policy, defining ‘zones’ has been a recurrent means through which the French state addresses and shapes its interventions in the *banlieues* (see e.g. Dikeç, 2007) and as a means to incite economic development in defined zones by giving tax exemptions to businesses (Waterhout et al., 2013).

towards sustainability and innovation, where negotiations between construction companies, architectural firms and developers took center stage.<sup>16</sup> If the OAP represented one change provided by the recent planning legislation reforms, there was another change I observed, which was a kind of enhanced flexibility that came to be more central to the practices of the planning bureaucracy.

The *projet*-rationale eventually consolidated into a particular form of national endeavor aimed at transforming the way regulations were applied rather than being used merely for the planning of documents and procedures. In 2010, the national government launched a year-long seminar series, gathering actors from the urban planning field in a number of workshops titled “For an urban planning through projects (*Pour un urbanisme de projet*).” In the wake of subsequent laws, such as the *Grenelle de l’environnement* which was to ensure environmental protection, the workshops resulted in propositions that highlighted the need to transform urban planning law in order for planning instruments to become more adjusted to the identified stakes of territorial development across the country. To meet the contemporary stakes, it was necessary to “adapt, simplify, and clarify our legislative and regulatory framework for it to allow actors to concentrate on the essential, the future of the territories and the responses provided to the expectations of current and future habitants,” the communication announced.<sup>17</sup> Additionally, it proposed a “move from a logic based on norms to a project culture (*passer d’une logique de normes à une culture de projet*)” by “putting rules back to where they belong (*remettre les règles à leur place*).” Though the report did not specify where that place was, other than that the rules should serve the purpose of achieving prospective objectives, it was clarified that “*urbanisme de projet* is not synonymous with deregulation (*déréglementation*) which would inscribe the project as opposite to the norm, but aims more at a flexibility in the realization of projects.” The work related to this report was a continuation of the efforts in the *loi SRU* to enhance the prospective dimension of land-use planning. It

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<sup>16</sup> Several of the project zones (e.g. Bassins à flot and Brazza) had their OAPs. Detailed regulations for these zones were negotiated through meetings among officials, permit reviewers, the architect-urbanism responsible for the program design and developers. As regulations took shape, they were inscribed in the PLU through the subsequent document modifications that took place approximately every one to two years. For more on such settings and their connection to the idea of having projects define rules instead of the opposite, see e.g. Darley and Zunino (2012b).

<sup>17</sup> Benoist Apparu. (2011). *Pour un Urbanisme de projet*. Ministère de l’Écologie, du Développement Durable, des Transport, et du Logement. Retrieved April 17, 2020, from [http://www.planbatimentdurable.fr/IMG/pdf/DP\\_Urbanisme\\_de\\_projet.pdf](http://www.planbatimentdurable.fr/IMG/pdf/DP_Urbanisme_de_projet.pdf). My translation.

broadly painted a picture of the existing land-use regulations as standing in the way of a comprehensive vision of the city of tomorrow by narrowly interpreting land-use planning to be about detailed prescriptions, thus losing sight of its broader objectives and hindering innovation and creativity.

Ultimately, the report placed central importance on changing planning practices. The attempt to move towards a *projet*-centric planning resulted in suggested shifts for the PLU, for instance the replacement of the previous fourteen articles with a three-chapter summary intended to facilitate the use of the PLU and reflections about how to ensure that rather than imposing calculative and measurable precisions, regulations in land-use plans express objectives (Zitouni & Dubois, 2017). In other words, efforts were made and expectations placed on making regulations more prospective rather than prescriptive. There was a particular focus on an attempt to imbue the planning system with more flexibility, which within the construct of project planning tended to imply “minimum legal standards” and “facilitating” property development, similar to what it has done in other countries (Tasan-Kok, 2008).

### **Overlapping reforms towards strategic planning**

The reforms to urban planning were, and continue to be, closely interlinked with a sequence of reforms to local government (Booth, 2005). This was the case in 1967 when the *loi LOF* was instituted in parallel with attempts by the national government to enhance intermunicipal cooperation. This attempt resulted in an imposed form of cooperation known as *communauté urbaine* for four larger urban areas, one of which was Bordeaux. The grouping of municipalities that was created in 1966 – the CUB (*Communauté urbaine de Bordeaux*) – was equipped with its own administration that oversaw sectoral policies relating to water, waste and transport. The *loi LOF* included an expectation for the CUB to produce a shared intercommunal POS, while the member municipalities were made responsible for signing the building permits. The capacity granted for signing permits was tightly restricted in the sense that any decision on a permit had to conform to the regulations introduced in the POS. Decisions on building permits then were largely an administrative procedure whereby conformity between the permit and the POS were to be confirmed. Although the 1967 law did increase the powers granted to mayors and local governments in relation to urban planning, the prefect formally remained in charge of both initiating and controlling the plan preparation and permit review while the state-run field services contributed with technical expertise. While mayors had

already been responsible for signing permits since 1945, they were “to do so in their capacity as *agents of the state*, not as democratically elected leaders of the communes” (Booth, 2005: 277, emphasis in original). Indeed, these formal arrangements did not preclude that in practice, as Booth writes, “mayors have been able to exercise a degree of leverage over decisions that their relative powerlessness would appear to exclude” (2005: 277). They have done so through complicities between mayors and local state representatives, such as the prefect (Abèles, 1991; Booth, 2005). The tradition of accumulating public offices (*cumul des mandats*), whereby local councilors and mayors may hold elected offices on other levels of government, also enabled local politicians to take advantage of connections in national and regional offices (Booth et al., 2007).

The “decentralization of urban planning” instigated through an act in 1982 transferred more powers to municipalities (and intercommunal organizations), for instance, the issuing of building permits (Goze, 1987). This act set in motion several changes that “favoured the territorialisation of local and regional development politics” including urban planning (Ancien, 2005: 230). It included attempts to spur the growth of urban areas to enhance their capacity to participate in territorial and economic competition across cities in France and Europe (Pinson & Le Galès, 2005). A recent move towards the promotion of intercommunal organizations was the institution of the *métropole* as a more integrated form of governance structure partly motivated by concerns about the competitiveness of French cities on a European and global market (Griffith, 2017). It was also motivated by the national government’s agenda, which included a reduction in the number of municipalities in the country. The institutional fragmentation that having a multitude of municipalities meant and “the problem of coordination that resulted from it has for long been one of the most sensitive problems of the French local government system” (Pinson & Le Galès, 2005: 7). Land-use authorizations, such as building permits, have become a “principal responsibility of municipalities and a symbol of the decentralization” which represents a “bureaucratic activity *en masse*” (Melot, 2009: 192, my translation). This was manifested among metropolitan member municipalities in Bordeaux that were concerned with the land-use plan being entangled with bureaucratic rigidity, and that it proposed a development not in line with what they wanted to issue permits for. The issuing of permits as a municipal responsibility became important in an arrangement where the intercommunal organization prepared the land-use plan while the municipalities ultimately oversaw permit application processing based on the plan.

While the national government, as a part of its decentralization measures, has transferred responsibilities to municipalities (for instance implementing social

policies and reviewing permits), it has done so without adding public funding, and municipalities (as well as intercommunal organizations) have increasingly turned to private-public partnerships to secure funding for urban development (Trache et al., 2007). Meanwhile, the taxation powers given to intercommunal organizations have strengthened the financial powers of the metropole at the expense of municipalities. This measure was intended to reduce competition and increase cooperation between municipalities and was operationalized primarily through the metropole's right to levy business taxes (*taxe professionnelle*) (Serrano & Demazière, 2016). In Bordeaux, the metropole receives the business tax and municipalities receive taxes on housing and land. To give a sense of the monetary distribution, the budget for the metropole in 2019 was 1752 million euro, for the municipality of Bordeaux (with 250 000 inhabitants) 497 million euro and for Pessac (a municipality with around 62,000 inhabitants) 95 million euro the same year, according to the respective administration's voted budget.

The French urban planning system has “been influenced by the liberalization trends affecting many countries,” as Bas Waterhout et. al. (2013: 153) point out in a comparison between planning systems in Western Europe. Combined with the efforts to ensure more flexibility in the planning system and to promote a more prospective approach to urban development, the national government has undertaken a number of changes aimed at simplifying demands for building permits and reducing the period of appeals with the aim of facilitating the realization of construction projects (Waterhout et al., 2013). This agenda has also been driven by mayors pushing for reduced engagement of the administrative court in urban planning matters, for instance to shorten the time during which appeals of permit decisions can be made (Melot, 2009). Shifts in the planning system are thus not solely prompted by the imposition of a national agenda on local governments. They are also shaped by local politicians strengthened by the accumulation of public offices. Moreover, a law in 2001 modified the financial distribution from the state to other levels of government to be more contingent on performance targets, which has been pointed to as a clear turn towards a “neo-managerial shift in French administration” (Béal & Pinson, 2015). While the central government has lost a certain amount of control over municipalities since the introduction of the various decentralization laws, it makes use of different managerial devices to steer local governments by means of funding and performance-management tools, focusing on project-based initiatives and making funding conditional on the participation in specific programs and certification schemes (Béal et al., 2015).

## Discussion

In this chapter, I have outlined the historical and political landscape impacting the development of and motivations behind the purposes and uses of land-use plans in France. My intention has been to show how land-use plans are situated in political contexts that span different fields of state making and that they are entangled with varying ideas about how urban spaces ought to be governed. I have framed urban planning in relation to a government ideal founded on rationality as the legitimate source of authority and how this was channeled through public administrations. Importantly, the planning system that evolved was embedded in ambitions to have the procedures around the land-use plan function as a buffer against the arbitrary abuse of power by binding the planning authority to its own plan. It was part of the ideal as to how planning decisions were to be legitimate by being grounded in procedures meant to assure rational, technocratic plan making that embodied a democratic value. However, this planning system would eventually be perceived as an obstacle to more qualitative and concerted urban development, which paved the way for attempts to create more flexible and looser procedures. This was a national planning reform whose implications were also a pressing issue in Bordeaux.

The most recent revision of the land-use plan in Bordeaux was realized in a time when the central state had imposed several reforms on planning bureaucracy and local governments aimed at shifting the planning responsibilities from the municipal to intercommunal level and in that sense recentralize planning execution. The *projet* rationale, which included ideas about flexible planning procedures, contractualization, and the enhancement of participation from private actors in urban development, has been a characteristic of French urban planning for several decades. The *projet* rationale came to inform the national legislations on planning in this institutional setting with a strong state tradition, perhaps most vividly through the *loi SRU* in 2000. Land-use plans were required to include a strategic development plan, and subsequent legislations introduced a varied range of regulatory documents. The *projet*-rationale thus came to impact the domain of planning law, what was referred to in the ministerial parlor as an *urbanisme de projet*, all while the basic premise for the PLU – that it is binding on third parties and the premise for how land-use rights are judged – remained strong.<sup>18</sup>

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<sup>18</sup> It remained strong but not uncontested. Recent legislative changes have been made to reduce the role of the administrative judge on permit issues, for instance by reducing the conditions under which third parties can appeal a permit decision (Melot, 2009).

There are aspects of the recent shifts in French urban planning ideals that are particularly salient in relation to the events that unfold in the subsequent chapters. With direct elections held on the municipal level and indirect elections to the metropole, the municipalities remain the political bodies closest to the constituency, and they are entitled to authorize decisions on building permits. The legal relevance of land-use plans and the connection to building permits remains rooted in the tradition of planning law that seeks to ensure predictability and certainty in the actions of the public administration. Meanwhile, a variety of changes, which exist in more concrete terms through the OAP and more abstract terms through the idea of less normative rules, have been introduced into land-use plans with an aim to decrease their rigid character. To sum up, while the reasoning informing recent cycles of planning reforms in France is heavily influenced by ambitions to render planning more flexible, prospective and collaborative, it has not expelled the centrality of the legal-technical procedures entangled with land-use plans and authorizations. Against this historical backdrop, which outlines the broader institutional and political context of French land-use planning, the next chapter turns to focus on how Bordeaux positioned itself in this shifting landscape.

### 3. Bureaucracy in Bordeaux

The land-use plan in Bordeaux alternated between portrayals as a vehicle for coordinating urban development and as an administrative artefact that mainly got in the way. This was something that I began to notice in an interview with a local politician who noted that the land-use plan was “a way to concretize, in a regulatory administrative manner, a political will (*pensée politique*),” and that it was “the tool that has to prevent inopportune constructions and losses of nature” by controlling the amount of constructible land. However, he continued, “it is not the regulations that allow the city to develop, sometimes they create constraints, and we don’t want constraints.” His reasoning captured a widespread perception among local politicians and planners who perceived that the revised plan would be less constraining at the same time it functioned as a coordinating instrument for land-use authorizations towards specific development interests. His reasoning also resonated with an issue that Booth and Stafford note, something all planning systems struggle with, namely how to address the tension “inherent in the nature of trying to determine future land-use patterns and forms of development” and weight between “certainty in planning policy at the same time as allowing for flexibility to meet unforeseen circumstances” (1994: 305). In Bordeaux, the emphasis was on flexibility, which is in line with Tuna Tasan-Kok’s assessment in a review of this notion’s presence in planning literature where it came to imply “enabling,” “adapting” and “relaxation of the rules” (2008: 188). Once put into force, the revised plan was to operate through an adaptable and loose set of rules.

While the previous chapter focused on the national preoccupations with land-use planning through a historical outlook, this chapter centers on how the Bordelais planning bureaucracy positioned itself within the shifting emphasis towards *projet* planning. It centers on the way the local government prioritized the achievement of greater flexibility by reducing bureaucracy in relation to the urban geography that the land-use plan related and the metropole and municipal governments preparing the plan. The chapter builds on participation in public events and interviews with local politicians and planners, as well as a review of the land-use plan currently in force in Bordeaux. In the first part, I summarize the urban transformation that started in Bordeaux in the late 1990’s, which led to an increasing population, investment and attention that reverberated through metropolitan member municipalities. I then outline how previous land-use plans were placed within the configuration of the metropole and its member municipalities and how it was changing with the planning reforms. I move on to describe the revised land-use plan, its main objectives and the implications of the different documents it was composed of. In the second part of

the chapter, I show how the land-use plan was depicted as bureaucratic deadweight and blamed for the perceived failures and undesirable effects of the urban planning in Bordeaux, which spurred demands for a more flexible planning document.

## Urban transformation

The increasing emphasis on strategic elements in land-use planning on a national level converged with a notable urban transformation in the municipality of Bordeaux, which has had an impact on the larger urban area and the member municipalities of the metropole. During the post-war period, mayors of France's larger cities saw urban development as an economic and social "functional component" of national government policy (Pinson, 2009). In the project-rationale, the city is instead understood as an entity in its own right channeling flows of people, capital and ideas, which mayors are using to advance economic development through local resources and agendas. This resonates with the shift occurring in Bordeaux.

In 1995, the municipality of Bordeaux was challenged by a decreasing population, roads clogged with traffic, dirty façades from pollution, limited public spaces and parks and reduced job opportunities following deindustrialization. While the population in the city center had declined, several surrounding municipalities saw a steadier population curve. The center-right mayor Jacques Chaban-Delmas had been in office since 1947, serving throughout the prosperous post-war decades. Also the president of the intercommunal organization, Chaban-Delmas was renowned for his strategic use of the *cumul des mandats* and his extended network nationally, regionally and locally, which enabled him to remain in office for a long duration (Médard, 1972/2006). The legacy he left behind when leaving office in 1995 was, according to a local planning professional and researcher, a "city without projects" (Marieu, 1997). Under his successor, Alain Juppé, also center-right, Bordeaux instead became a city with many projects. The rupture that the shift in mayors implied was impossible to ignore when I was becoming acquainted with the city. Local politicians, officials and residents would all confirm the narrative that the city had undergone a radical transition. A local politician who said the following when I met him for an interview (and who had a motive to depict the actions of a party colleague as a success) perhaps most vividly described it:

The arrival of Juppé was a form of rupture – not political because they [former mayor] are men of the same political sensibility – but it is a rupture in terms of a different vision [...] it is the birth of an urban project (*projet urbain*), a vision about the future city, it is a vision about tomorrow's city, and it is a cultural rupture. Really, really a

cultural rupture, with the decision to realize three tramway lines, a bus network, making the avenues double directed instead of one directed, transforming the riverbanks and all the grand public spaces into pedestrian spaces...

Notably, the politician emphasized that the act of carrying a vision, a *projet*, was not merely an infrastructural, material change, but a cultural one as well. It was a cultural change in the sense that the new mayor advanced a broad project as a vision of what the city was to become. However, this vision did include a number of material changes, and the realization of these was repeatedly raised in rehearsals of the supposedly radical transformation. It included the creation of three tramway lines, the river banks rendered accessible to the public by removing industrial hangars and parking spaces, the cleansing of the inner city limestone facades and the construction of a bridge across the River Garonne that runs through the area around which Bordeaux and its neighboring municipalities extends (see Figure 6). The river and the absence of transport links had functioned as a “social barrier” between the right river bank, with the majority of the metropole’s social housing and the left river bank that extends westwards throughout more affluent neighborhoods (Victoire, 2014: 17). This difference was also noticeable beyond the borders of the municipality of Bordeaux, with the municipalities towards the east providing a majority of the metropole’s more affordable housing. The municipalities west of Bordeaux are densely built up in some areas with multiunit buildings and townhouses, though the municipalities are dominated by private housing developments and terraced houses in most areas. The lack of links across the Garonne – a first bridge was completed in 1822 and a second in 2013 – constructed a division of the city remaining in the mental map of longtime residents on the left riverbank, who “for long had a hard time admitting that the other river bank really belonged to the city” (Victoire, 2014: 9, my translation).

The narrative of a radical transformation appeared in different settings. An official in his 30s made sure to inform me that the city that I encountered in 2016 shared little resemblance with the Bordeaux of a decade ago. “The riverbanks were full of traffic, the façades were colored black...” he recalled, before adding that he himself had not lived in the city in those years. The story of the city’s transformation had congealed into the widely held sentiment that it was a success, which brought support for the mayor across diverse political camps. For instance, in the queue to a popular music festival I met two sisters in their 50’s who were proud of being from Bacalan, the working-class area where we were. Though they regretted the demolition of older houses that had been carried out some years earlier in parts of



Figure 6. Aerial view of parts of the city center in Bordeaux. Source: Bordeaux Métropole.

the city to make room for new developments, they nevertheless agreed that “one can think whatever one wants about [the mayor], but I like him. He is to thank for the development of the city – even if we would like to vote left.” A planner that I interviewed made a similar comment about having voted for the center-right mayor despite ideally wanting to vote for a candidate to the left.<sup>19</sup> The years of stagnation, where there were few visible signs of developments that could reverse the trend of declining job opportunities and depopulation, had paved the way for a political landscape where the capacity to carry out political decisions and realize development – ‘to get things done’ – was a source of citizen contentment. The capacity to get things done was not least manifested in the successful collaboration achieved to construct a network of tramways throughout the metropole (after years of preparations failing to agree on the conditions for a metro network) that began operating in 2004 (Godier et al., 2009). Officials and politicians that I encountered promoted a narrative of urban development that implied that the city had managed to catch up with (*ratrapper*) other French cities after years without a firm strategy and progress in development.

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<sup>19</sup> Even though their expression may sound peculiar, it is clear pattern that while the municipality of Bordeaux often votes to the left in presidential elections, the political orientation in the municipal elections have been consistently center-right (Le Hay & Pinson, 2017).

The old saying was updated – the sleeping beauty was awakening – and frequently used in descriptions of the transformed city.<sup>20</sup>

Evidently, the consensus regarding the successful transformation of the city was not without its detractors. In a second-hand store located on one of the broad, straight avenues stretching westwards from Place Victoire, where a limited number of the stone facades had been restored, I found myself in a conversation with the owner and a customer, both in their 40s. When the subject of the city’s development was addressed, they drifted off into memories about the vivid nightlife in the abandoned industries on the right riverbank, now replaced with major construction projects led by internationally renowned architects as part of the local government’s attempt to make a name for the city in the global competition of spectacular urban projects. The owner complained that the city was “turning into a museum” through the focus on restoration of older buildings, to which the customer added that the recent developments were only to “change the image of the city” into a cosmopolitan city from what used to be “many smaller villages.” The sense of the city being a collection of smaller villages still remained, however, both within the municipality of Bordeaux and across the different member municipalities. While there was a certain ongoing “metropolitan awakening (*éveil métropolitain*)” (Godier et al., 2018) in several dimensions – political, administrative, and in the lived experience of living and working in the urban region – there was a parallel movement of mayors advancing agendas concerned with conserving the local identities of municipalities. The relationship across municipalities and the metropole was vividly present in the realm of land-use planning and a topic emphasized in the elaboration of land-use plans.

### Metropolitan plans and municipal authorizations

The intercommunal organization had experience elaborating a shared land-use plan since early 1980’s when its first POS was validated, which would be modified on

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<sup>20</sup> I have stopped counting the number of journal articles and travel reportages about Bordeaux in which I have encountered a version of this saying. At one point, the local news journal published an article about the extensive media coverage about the city, with the ironic heading “Finally a listing where Bordeaux doesn’t appear,” before confidently assuring viewers that with six million tourists a year already, it would not be a major issue. (Quote from *Sud Ouest*, 2017, June 1. Enfin un classement où Bordeaux n’apparaît pas ! Retrieved 13 May, 2020, from <https://www.sudouest.fr>). It had become a truism, enhancing the narrative of a radical transformation achieved by means of urban interventions, particularly in public spaces and mobility infrastructures. The narrative of a radical urban transformation has also been rehearsed in the academic literature on urban development in Bordeaux (see e.g. Martone & Sepe, 2012).

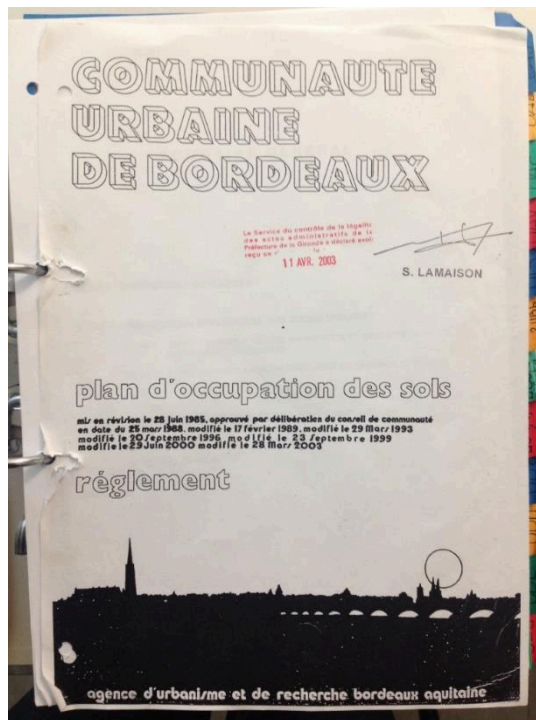


Figure 7. The last version of the POS. The red stamp indicates confirmation of the document's legality by the prefect.

several occasions throughout the years with the last one being approved in 2003. These modifications were listed on the front page of the worn copy that an archivist in the metropolitan administration brought out for me to consult (see Figure 7). Officials I met repeatedly pointed out the fact that the metropole had elaborated a shared POS as an indication of the well-established capacity among the member municipalities to collaborate. This capacity was influenced by the “*système Chaban*” (Médard, 1972/2006), a system that seasoned planners called the “system of co-governing (*système de co-gestion*).” Following the compulsory creation of the intercommunal organization in 1967, its president (the mayor of Bordeaux) established a mode of governance built on collaborative arrangements between the municipalities, or rather, the mayors, which relied on tacit and often unofficial decisions. These decisions sprung from agreements whose premise rested on the fact that the intercommunal organization assisted mayors in carrying out their political

ambitions within their respective municipality, with mayors in return favoring the intercommunal cooperation in other matters, always seeking benefits for all parties rather than a shared agenda. Elements of this somewhat informal collaborative arrangement have remained through the subsequent intercommunal governments, though they have become formalized to a certain extent, for instance through the establishment of contracts that specify expectations between the two levels of government and the expenditures going in each direction. In line with a person-centered mayorship, a common feature across France as noted by Abélès (1991), the former mayor often serves as an explanation for the characteristics of contemporary politics. However, the fact that the member municipalities were able to collaborate successfully did not mean that the POS was an expression of shared objectives. It mirrored the workings of the style of governance that aims to ensure that everyone gets what they want. A seasoned planner recalled how “the POS was a document with many, many, many exceptions,” before giving the following example:

It’s like – if you learned French in school – there is the rule, and then there are the exceptions. The rule is this, the exception is that. The POS was a bit like that, there was the rule, and then there was [the exception] for this municipality, that municipality, that municipality – everyone more or less had their POS *à la carte*.

The planner suggested that the POS was developed as a joint land-use plan with a number of exceptions that in practice meant that each municipality had a plan adapted to their respective development objectives. The collaboration was about ensuring that everyone got their share rather than developing a joint vision of development. It was the elaboration of shared visions with building rules that corresponded to what was enforced with the introduction of the PLU through the *loi SRU*. The 2000 law that targeted the planning system was anchored in the preceding administrative reforms that targeted enhancement of intercommunal cooperation and strategical development in an attempt to use the planning system to counter institutional fragmentation (Booth, et al., 2007; Demazière, 2018). A key to this was the PADD, the strategic centerpiece of the PLU that the sectorial policies and regulations were to be translated from.

The PADD had to be elaborated jointly among the member municipalities who all debated it in their respective councils before it was ratified by a vote in the metropole council, a procedure Bordeaux Métropole was introduced to when elaborating their first PLU in 2003. Planners who participated in the preparation of this plan described the required arrangements around the PADD as amenable to a comprehensive, as opposed to sectoral, understanding of the different policy areas

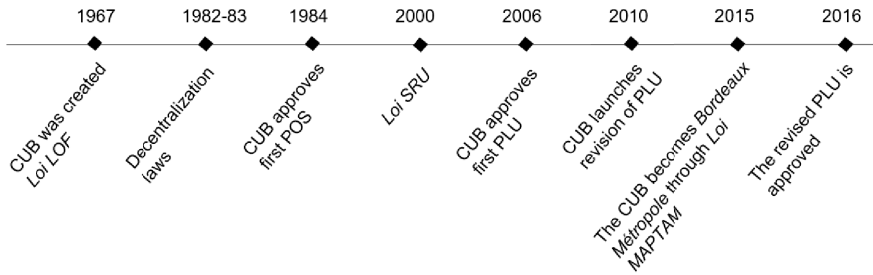


Figure 8. Timeline of the main events relating to the French planning system and land-use plans in Bordeaux.

among metropolitan councilors who tended to focus on concerns in relation to their different commissions (such as housing, transport, nature). Having them “discuss, read and correct a document, obliged them to summarize all the stakes of the development of an agglomeration,” a planner suggested.

Bordeaux’s first PLU, approved in 2006, was described as a success by planners and politicians I met, in that it had resulted in a plan that firmly restricted the amount of constructible land in comparison to the previous POS. This was in line with the sustainability objective that the national government had inserted in the PLU, namely that intercommunal planning would enable a strategy for larger territories in favor of reduced urban sprawl (Booth, 2003). Among planners and local politicians who expressed support for the need to reduce the extension of urbanization and instead densify within the built areas, the land-use plan resulting from the first PLU procedure was seen to be a sign of the emergence of a shared metropole territory as opposed to the fragmentation that separate municipal strategies implied. When the revision of the PLU was launched in 2010, its elaboration continued in line with the previous version, with a focus on elaborating an intercommunal plan. The main events relating to land-use planning in Bordeaux that I have presented in this thesis are shown on the timeline in Figure 8.

## The revised PLU

The structuring objective for the revision<sup>21</sup> of the plan was to “construct a metropole attractive at a European scale (*attractive à l'échelle européenne*), by building on the harmony of [the metropole’s] landscapes and living environments (*en s'appuyant sur l'harmonie de ses paysages et de son cadre de vie*)” (Bordeaux Métropole, 2016a). This ambition was related to the growing size of Bordeaux as an urban agglomeration in terms of population, jobs, investments and tourism. It was also aimed at increasing the metropole’s competitiveness among European cities through the valorization of the existing living environments. The latter piece was not simply an acknowledgment of the existing environments as resources for attractiveness, it was also a recognition of the widespread sentiment in public debate among local politicians about the importance of protecting specific features of local living environments from the intensified scale of construction (which I discuss more in Chapter 4). The plan proposed a land-use policy in line with what was promoted through the *loi SRU* to hinder urban sprawl by limiting and concentrating the amount of constructible land around areas that are already urbanized, thus favoring “urban renewal.”<sup>22</sup>

Several major construction projects had already been included in the previous plan, and the revision added a policy program to construct 50,000 housing units alongside the public transportation network throughout the metropole. In the municipality of Bordeaux, close to 15,000 apartments were in the pipeline on brownfield sites located alongside the right river bank and in the northern port area (Bordeaux Métropole, 2016b). The development projects included the establishment of close to 400,000 square meters for offices, industry and artisanal work, in addition to the floorage planned for commercial activities and public services. In order to meet national requirements stipulating that municipalities set aside 25 % of their housing stock for social housing, the housing policy specified the amount of housing each municipality needed to construct each year to achieve the target (which some municipalities had long since achieved while others lagged far behind). With

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<sup>21</sup> There are different scales of changes that a PLU can undergo, ranging from *modification* to the most comprehensive *révision*. The *Code de l'urbanisme* specifies which kinds of changes require what kind of protocol, each accompanied with its own procedures. The revision of the PLU basically implies remaking the entirety of the documents, while modifications may entail changing a regulation or diminishing the constructability of a zone (but not the opposite). Changing the PADD, which Bordeaux Métropole sought to do, requires a revision.

<sup>22</sup> Bordeaux Métropole is among the most expansive and least densely populated urban areas in France with its 1,325 habitants/km<sup>2</sup> (in 2016 according to INSEE).

demographic trends showing growth in the number of student households while all other age demographics were decreasing, the housing policy and regulations were designed to push for the construction of a variety of housing sizes and types.

The mobility policy was designed to facilitate the improvement of public transport networks in parallel with the regulatory framework that imposed a lower number of parking spaces for new constructions in central areas that are well served by multiple modes of transport.<sup>23</sup> There was no end date specified for the validity of the plan. Judging from the previous plans, it would remain in force for at least a decade, and would be modified approximately every second year during that period. Modifications required strict procedures, including public consultations, and would take at least eighteen months to finalize. Modifications could include minor changes, for instance, changes to building regulations in certain zones, as long as they did not deviate from the broader strategy.

The revised land-use plan was named ‘PLU 3.1’ to signal that it consisted of three previously separate documents merged into one: the housing policy, the mobility policy and the land-use plan. Beyond these three documents, it included several other pieces (see Figure 9). The introductory pieces included a survey of the current state of the territory, a description of different thematic elements of the development strategy (environment, housing, transport, nature, economic activities, public infrastructure), the motivation for the chosen building regulations and the environmental impact assessment for the envisioned development. Then there was the PADD, the OAPs and the regulatory framework with graphic cadastral maps and written regulations. Lastly, the plan included annexes with informative maps (on sound pollution, waste and water infrastructure), maps of land reserved for public infrastructure (including land limited by the state), maps indicating areas subjected to risk of flooding and other diverse issues. These documents were assembled in different ways depending on when, where and by whom they were used and those that I have attended to in greater detail are found within the regulatory framework. The first time I opened the boxes filled with the plan, I met with a color-coding scheme that differentiated between its different parts. The twenty-page strategy

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<sup>23</sup> The PLU includes consideration of a range of issues beyond those that I have mentioned here, which will be relevant throughout the following chapters. To further complement the description, the PLU must be prepared in respect of the regional land-use plan, the *SCoT*, which is prepared through a joint venture of various public authorities across domains and including 93 municipalities. It is also elaborated in consideration of the metropole’s climate plan, which aims to reduce carbon emissions (improving energy efficiency of buildings, reduce car traffic, favoring district heating) preserve biodiversity and hinder the reduction of agricultural land.

<b>Document</b>	<b>Function</b>	<b>Legal significance</b>	<b>Pages</b>
Introduction <i>(Rapport de présentation)</i>	Explanatory. Describes the territorial diagnosis each thematic of the development project and the choices behind the regulations, how it respects the SCoT and details the environmental impact assessment of the envisioned development.	No legal significance. No prescriptive value, but can become important in appeals on building permits.	~1500
Sustainable development plan <i>(Projet d'aménagement et de développement durables – PADD)</i>	Strategic. Manifests the overall politics in terms of planning and construction ( <i>aménagement</i> ), facilities ( <i>équipement</i> ), urbanism, environmental protection, economic development, housing and transport.	Non-opposable. Significant as strategy. Regulatory framework and subsequent documents must be in agreement with the objectives stated therein.	20
Objectives and programming <i>(Les orientations d'aménagement et de programmation – OAP)</i>	Defines the orientations for the desired development of a specific area.	Legally binding. Applicable in building permit review for operations in project zones in place of the regulatory framework for the given zone.	38 OAP ~1-5 each
Housing and Mobility Policy <i>(Programme d'Orientations et d'Actions – Habitat et Mobilité)</i>	Strategic and including action plan to realize the policy on housing and mobility.	Non-opposable.	266
Regulatory framework <i>(Le règlement)</i>	Regulatory. Zoning maps in a 1:5000 scale based on cadastral maps and written regulations.	Legally binding.	127 maps 164 zone regulations
Appendix <i>(Annexes)</i>	Informative. Outlines applicable obligations and arrangements regarding land use that falls within other jurisdictions than the legislative portion of the PLU. Consists of written and graphic documents.	No legal significance (as a document in itself – refers to legal significance imposed from other documents).	29 maps

Figure 9. Table of constituent documents of Bordeaux Métropole's Plan Local d'Urbanisme 3.1.



Figure 10. A couple of the boxes with printed copies of the main strategy to the left, written regulations in the middle and folded regulatory maps in the box to the right.

document was colored blue, the written regulations marked on the front with light green, the folded zoning maps in bleached white paper, and other items colored red, orange, dark green and lilac (see Figure 10). Weighing in at over several kilos, the over one thousand pages in the boxes made up an important part of documents, as a local politician noted in one council meeting. I can only guess that that must have been a rough estimate, since wherever I encountered the PLU in its entirety, it took up seven cardboard boxes and was difficult to carry in one go. While its size and content were the subject of conversation among local politicians as the date for its approval approached, even more significant was the role it was to serve, not merely as a regulator of land use, but both as an object of and an agent for change, as a more supple and flexible document. I briefly outline the different documents and their legal significance in the table below based on the descriptions of the respective documents in the introductory piece of the revised PLU. It was primarily its function as a regulatory document, and thus more related to the building regulations than the

housing and mobility policy, that came to figure as prominent in the encounters that I made with this document.

## Reducing bureaucracy and rules

In Bordeaux, local politicians and planners expressed a view that the PLU had become symbolic of a particular national penchant for rulemaking, which was also a characteristic of the local planning bureaucracy imbued with inertia, rigidity and a tendency to consider urban development through concerns of conformity rather than creativity and quality. The bureaucratic characteristics of the plan were seen as conflicting with the aspiration for adaptable and flexible planning procedures. This view was vividly manifested in a public seminar that I attended, which was part of a series of public discussions organized under the title, “Being a metropole in an uncertain world” (*Être métropole dans un monde incertain*), a series that made appearances in several metropolises around France. It was organized through a research platform supported by the national government focusing on knowledge exchange between the research community and decision makers. The seminar took place in a lecture hall situated in the middle of central Bordeaux, on a road perpendicular to and a few meters away from the *Cours l’Indendance* and *Rue Porte Dijeaux*, two streets bursting with city strollers and stores, which both run west-east until reaching the riverbanks of the Garonne. While free of charge and easily accessible in a well-visited part of the city, an informed guess was that the majority of the audience held professional positions relating to urban development. The lecture hall belonged to a local independent bookstore that occupied close to an entire block (which local residents used as a shortcut) and whose publishing house was behind a range of publications produced by local planning professionals. The bookstore and its current owners were an institution in the local social and political life in Bordeaux. The store offered its conference hall for several events on urban planning that I attended throughout my fieldwork, where the crowd in attendance truly represented the urban planning field as a domain of maintained networks among planning professionals, researchers, politicians and officials. It was in this setting that, although not a formal arena for policy making, the metropolitan vice president in charge of land-use planning aired his view on the broader transformation that the PLU was embedded in.

When speaking about the revised plan, which was to be approved less than two weeks following this seminar, the vice president suggested that its more flexible quality was part of an ongoing shift:

I believe that this is a grand phenomenon that we have certainly not finished, and it is that the city takes on [its development] without the muzzle. It's well known: when we make regulatory urbanism (*urbanisme réglementaire*) we only have one idea in our head and it is to put a girdle on everything. Everything must be defined so that the girdle reproduces itself. But it is not about that, we really have to search for that thing that people want to find of intimacy, of sensibility, of something almost poetic.

The quote above implied that the realm of planning law was concerned with rules and regulations. The vice president continued that, in France, “it seems to me that in many realms we're happy only when we have posed rules and regulations and complicated them just a little bit more.” One of the participants in the roundtable discussion nodded affirmatively to this assertion, and the other two smiled dutifully in agreement to the description of the French relationship to rules. A loud ‘hé’ was pronounced in recognition among a couple of persons in the audience, which I, based on similar reactions to statements about the relationship with rules in other settings in France, interpreted as a mix of self-recognition with a level of self-critique, acknowledging the typicality of the described trait. The vice president continued that “the PLU is a sort of bible (*une espèce de bible*) that we spend ten years constructing and ten years picking apart” before detailing how the new plan was an antidote to that way of doing things. Its revised regulatory framework, he explained, was equipped with a regulation per ‘project’ for several zones: “it is sort of the project that makes the regulations, which means that it is the political desires and the citizens’ desires that make the project, and the project that makes the regulations.” In this juxtaposition, the depiction of the land-use plan as a bible drew on perceptions of it as a static, rigid rulebook in comparison to the privileging of projects – here implying procedures organized around collaboration between the different actors involved in construction projects. In so doing, the local politician evoked a set of connections – between rigidity, bureaucracy and constraints on the one hand and flexibility, quality and political views as representative the population’s desires – through which the description of the PLU was made meaningful – on the other hand.

The vice president’s comparison with a “bible” drew on the meaning of the term as a book of reference turned to for answers in a more general manner. However, the connotations that the comparison came with focused on the similarity between the PLU and a bible, built on presumptions that both these documents impose dogmatic formulas. Rather than figurative, it came through as a comparison calling for literality, a reification of the bureaucratic document into one capable of steering planning procedures in a certain direction, irrespective of human involvement. While this may be telling of how local politicians experienced the plan, such rhetoric does

more than propose a figurative comparison – “literality is a truth claim; it is made in order to persuade” (Herzfeld, 2016: 165). The conflation of the land-use plan and the bible seemed to suggest the former is in its own right an agentive document, whose harmfully restricting influence consequently had to be diminished. It aligned with the motivation advanced on the national and local level to ensure that a land-use plan that is adopted is more attuned to changes in a society perceived as complex. The plan was intended to ensure the channeling of economic growth, to enhance the role of architects and private developers in shaping building regulations and to reshuffle relationships to provide more room for politicians to be involved in planning procedures.

In conversations with officials and politicians, I encountered many examples of sweeping descriptions for how rules were negatively connoted. One official highlighted that it is crucial “that we’re not foolishly (*bêtement*) stuck with normative rules that don’t necessarily produce good quality urban forms.” Others claimed that it was important to leave key decisions to “the intelligence of the project (*laisser la place à l’intelligence du projet*),” a claim that was also reiterated on several occasions in public events where various actors in urban planning gathered. It was often left unmentioned in what forms that ‘intelligence’ existed, but as it was often pronounced in settings connected to the more recent project zones, it implied that the regulations should be developed sequentially by all actors involved in a construction project rather than being predefined by the public administration for project developers to adhere to. A fondness for regulations was also described as a cultural characteristic of the French people. With regard to the comprehensive nature of the PLU, one official suggested that “it’s typically French, this administrative machine that gets carried away with this piling of rules and norms.” A planner argued that “in France, we’re the king of rules, have you noticed the flat rooftops, how there are fences there, it’s so ugly... It’s only here that such an idea [require fences on rooftops] would be made a norm.” When hearing this claim, I resisted an impulse to nuance that argument by giving examples of rules similar in character in Sweden and instead allowed my curiosity about the underlying motivations for this perception to guide me. The planner continued that the revised PLU had more of “the rule that you have (*de chez vous*) with this Lutheran side open to others where you are discussing and cooperating.” He contrasted this with the French “Latin side” of messy discussions where everyone shared their ideas and “the one who shouts the most will win.” The planner’s distinction stirred a comparison of national cultural differences and how they played out in planning practices by contrasting France with *la Scandinavie*, as a geography of coherent culture and politics to which I was ascribed as a Swede.

This was not the first time that interviewees ascribed political and geographical belonging to me and then used this to explain the differences in France, which highlighted the relational position ethnographers hold in the field. My nationality was associated with a particular kind of planning culture in relation to which Bordelais planners reasoned around the particularities of their own practices. The self-perception of French regulatory planning as backwards and unmodern was implied when I asked another planner how the idea of more flexible rules had emerged. She suggested, half seriously, half joking, that perhaps someone “who spoke better English than the others read about it in a book, that someone had tested and figured that precise rules were sometimes a bit stupid, and that it’s better to discuss.” This proposal was a nod to the widespread affirmation that the French have limited proficiency in the English language and that it took someone with better language skills to introduce a different approach to the rule-bound tradition. This affirmation of a culturally-specific penchant for rulemaking was associated with the narrative of a French planning bureaucracy in urgent need of reform, a sentiment that was repeatedly put forward by politicians, which also tied into concerns about urban policy and planning endeavors being attuned to and up-to-date with arrangements in other European countries. It could also be understood to be connected to broader tendencies among French cities, with mayors seeking to be part of international city networks (Beal & Pinson, 2014).

The need to modify plan procedures and rule uses was repeatedly emphasized by local actors as intertwined with perceptions about bureaucracy; which relates to tendencies that Herzfeld notes about how, in diverse settings, “certain expectations of bureaucratic behavior are channeled through national stereotypes” (Herzfeld, 1992: 71). Depictions of French bureaucracy and the people populating its institutions as rigid and rule-bound have long been commonplace. Rabinow, for instance, quotes a public intellectual who in the early 1910s blamed the French administration for low quality planning: “[our] conceited state engineers produce incredible stupidities in all our Departments, not to mention that any sign of aesthetic good will is almost always fought by them” (cited in Rabinow, 1989: 272-3). However, it is important to note that stereotypes of bureaucratic functioning are not to be taken at face value. The appreciations of what constitutes ‘French bureaucracy’ are conventions “that may have little to do with the reality of bureaucratic functioning” (Herzfeld, 1992: 47). Nonetheless, such representations have a number of effects in the sense that they are treated as truths that guide collective reasoning about what is perceived as necessary in terms of change and reform. At the time that the plan revision came closer to being finalized, there were indications that the

expectations for a more flexible plan were interrelated with the complex relationship between the metropole and member municipalities as a collective plan maker.

### Local stakes of plans

I now return to the public seminar, where the vice president took the stage to communicate his views on the novelty of the PLU, and I was introduced to a dimension of his thinking that was not explicitly stated in the wording of his speech. As was often the case with metropolitan vice presidents, of which there were twenty presiding over different policy areas, he was also the mayor of a municipality. Benoît, a researcher from the University of Bordeaux who I met up with at the event, underlined the importance of this fact. Having lived for several decades in Bordeaux and partaken in local political life through his research, he provided a parallel narrative of what we heard from the stage, where the vice president continued:

I always read with amusement the title that I have as the ‘vice president of regulatory urbanism,’ as if everything happens by decree. [...] So, my real title, I would like it to be ‘vice president of deregulatory urbanism (*urbanisme déréglementaire*).’ That would be my ambition.

Hearing this proposition from the stage, Benoît leaned over to comment with a snort, “deregulation... He just wants to hinder the construction of apartment buildings in his municipality.” Suggesting that the resistance towards multiunit housing was a reason behind the desire for “deregulation,” Benoît brought attention to the dual role of vice presidents, as they also serve as mayors, two roles that are sometimes incompatible in terms of decision making and prioritization of government levels. Having been in office since the 2014 municipal elections, the mayor had run a campaign with a special focus on the ongoing densification of his municipality in the outskirts of the metropole, that the campaign claimed was too intense and low quality. The campaign promise to counter this development along with the support of the then mayor of Bordeaux was an important part of his successful campaign, resulting in the end of a thirty-one year term of office for the outgoing socialist mayor. The shift in mayorship was indicative of a broader sentiment spreading throughout the constituencies of many municipalities, which amounted to growing discontent with the direction in which the urban transformation was heading in terms of the perception that there was a never-ending densification of buildings as well as increased circulation, living costs and amount of tourists. Benoît’s comments regarding the speech given from the stage drew attention to the multiple positions

from which the vice president spoke and the manifold meanings and interests potentially lying behind the wish to modify regulations.

The proposition to replace regulation with ‘deregulation’ was more radical than the reasoning advanced by the minister in the national government behind recent changes in the planning system. In a comment to a report about recent changes in the planning system, the responsible minister assured that “I don’t care about deregulating out of principle, but to simplify, to facilitate the emergence of projects (*projets*).”<sup>24</sup> What he spoke of was an objective to stimulate the production of housing and facilitate the realization of large-scale development projects. As it appeared, there was another potential dimension given to deregulation by the local politician that stood in opposition judging from the indication that the call for deregulation, to the contrary, harbored intentions to obstruct construction. That dimension had to do with the interconnection between planning and local government reforms that were aimed at enhancing intercommunal collaboration, to some extent hindering the municipalities’ room to maneuver. The demands for simplified, or deregulated, urban planning were thus pronounced in relation to the dynamics between the metropole and the municipality, where the former prepares the plan that the latter is required to conform to when issuing permit applications. What complicated the implications of the discourse was the fact that the vice president had a dual role as mayor, thus involved in both tasks. The call for deregulation seemed to be imbricated into this division of tasks.

## Discussion

This chapter has focused on how planners and local politicians perceived the PLU as a document and why it necessitated a revision. Between the two poles of flexibility and certainty, which creates tension in planning systems (Booth & Stafford, 1994), Bordeaux’s land-use plan revision was taking place through an emphasis on the need for flexibility and less about the need for certainty. The motivation for reducing the presence of rules and regulations and altering bureaucratic planning practices through the revised plan were fashioned in a narrative of bureaucracy and rules as a particularly ‘French’ characteristic that shaped a land-use plan that was to be about a cultural-political change. The planning bureaucracy in Bordeaux depicted itself as a frontrunner who modernized its land-use plan and the interrelated planning practices

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<sup>24</sup> Quote from Francqueville, L., & Véran, C. (2011, June 9). Construire plus et mieux : Benoist Apparu explique sa réforme de l’urbanisme. *Le Moniteur*. Retrieved May 13, 2020, from <https://www.lemoniteur.fr>.

away from the inert machinery of mindless officials that the stereotypic depictions of French public administration entailed. The revised plan was depicted as an antidote to previous ways of doing.

The understanding of bureaucratic structures as overly rigid, inefficient and incapacitated with respect to their ability to meet contemporary and future challenges for cities has nurtured calls for a change in processes in different planning systems through the ‘reduction’ of bureaucracy and development of more flexible structures (Demazière, 2018; Grange, 2014; Shaw & Lord, 2007; Tasan-Kok, 2008). In an analysis of recent planning reforms in Denmark, Kristina Grange (2014) argues that demands for lesser bureaucracy were ideologically charged as they were informed by attempts to institute a system functioning in favor of economic growth and liberal values. Grange (2014) cautions about the broader implications of demands for planning reforms and underlines the importance of attending to the dynamics around the conflation of specific associations of bureaucracy and the land-use plan. The revised land-use plan in Bordeaux was designed to respond to long sought changes in the way urban planning was undertaken in comparison to perceptions of other countries’ more modernized regimes. It was no longer to embody the characteristics of a rule-bound, constrained regime characterized by inertia and would instead favor collaboration, negotiation and adaptable rules.

The planning system had been reformed to enhance intercommunal cooperation and to ensure that land-use modifications were carried out in consideration for a wider territorial scale than that of individual municipalities. The ambition was, among other things, to achieve more coherent urban policies concerned with sustainability through reduced urban sprawl and solidarity through assured affordable housing throughout urban agglomerations. All of these things were attended to in the revised plan, the plan that at the same time was situated in a configuration of political organization where politicians involved in its establishment and implementation were approaching land-use planning from two different positions. The configuration of the political organization and the sentiment that the plan should be less bureaucratic in character signals a relevant topic of investigation, not only the manifest content of the document and the development it purports, but the fields of intentions and procedures it was situated in. Drawing from Grange’s (2014) caution, which I read as suggesting a diversity of potential interests that informed on complaints with the bureaucratic character of land-use planning, the following chapter shifts to explore the intentions that had been invested in the plan.

## 4. Contextualizing Contextualization

In December 2016, the councilors of Bordeaux Métropole gathered in the *Hôtel de la Métropole* for one of its monthly council meetings. The meeting agenda included the approval of the PLU 3.1, the revised land-use plan that had been in preparation for close to six years by that time. Before proceeding to vote, the metropolitan vice president in charge of land-use planning took to addressing an audience composed of metropolitan councilors from different political parties, among whom several were also mayors of member municipalities, the dual position that will be important to the dynamics detailed in this chapter. Recalling the ambitions set out for the plan revision, the vice president proclaimed that “a rule that we wanted to find throughout was the idea of having less rules and more tools, to make [the plan] a more operational and much less coercive tool, and finally to have a regulatory framework more adapted to contexts.” His words suggested that the implications of “rule” were not only related to building regulations. It was also about what kind of plan the metropole council wanted to prepare, a plan that, as a principle, was developed with consideration for “contexts.” I listened closely to these key words as they echoed descriptions I encountered when starting to read the revised PLU, which was an exercise that I initially conceived of as a way to learn about what the local government wanted to achieve in terms of a built environment. The council proceeded to a vote of approval soon after the vice president’s endorsement of the plan. The plan apparently manifested the ambitions of a largely unified government and when ratified, would enter into the stage where a plan “comes to take on the status of a coherent, unified and persuasive legal text” (Murdoch et al., 1999: 195). However, the plan itself and the discussion in the council meeting lacked specifics on what “contexts” the plan was to be adapted and what this notion was thought to mean.

In his work on the modernist planning behind the construction of Brasília, James Holston (1989: 4) highlights the importance of differentiating between “planners’ utopian intentions” to achieve change through design and a “government’s intentions to build and occupy” the planned city. In determining the intentions of governments, it is crucial to bear in mind that if a “state successfully represents itself as coherent and singular,” it is the result of everyday practices among civil servants and bureaucrats through whose work the “state” exists (Gupta & Sharma, 2006: 10). The state, then, is not an autonomous entity in its own right, but is the result of spatialized, mundane practices (Ferguson & Gupta, 2002). In Bordeaux, the revised land-use plan was meant to allow planning measures to adapt to pre-existing built environments and urban relations, and to attend to particulars and diversity in its practical application. As such, it appeared to be an antidote to the

utopian planning intentions of the Master Plan for Brasília which negated the historical and contemporary relationships in Brazilian society for the aim of creating a new social order (Holston, 1989). By focusing on the plan makers' intentions, by which I mean both planners and politicians who participated in the revision process, in this chapter I examine the differing meanings invested in the idea that they produced a plan attending to "contexts." Finalized plans elide "the complex relations between planners, designers and different levels of local and state administration, public and private" that they involve (Abram & Weszkalnys, 2013: 13). Such was the case with the finalized PLU which appeared as a unified, coherent document given its internal content. Through interviews with and attendance at public appearances of planners and local politicians, together with news coverage in local media outlets both before and after the plan was ratified, I found instead a plan that was at a conjuncture of different intentions, temporalities and tensions across planners and politicians that coalesced around their shared description of the plan as contextualized.

In anthropology, the notion of context has become synonymous with the particular and the local as opposed to the general and universal (Dillely, 1999), and this is a common assumption embedded in everyday uses of the term in France and arguably in many other places. However, as Seaver aptly points out, although "it is common sense that to put things *in context* is good and to take them *out of context* is bad, this simple take overshadows the fact that often our disagreements lie precisely in determining what context *is*" (2015: 1105, emphasis in original). In the Bordelais planning bureaucracy, context was charged with connotations of sensitivity to local particularities as an inherently good thing among plan makers that I met with, while the implications of what it meant in practice varied and were rarely specified. There was no coherent idea of what accounted for the 'local' or 'particular' and it appeared as if this, in itself, ambiguous concept became useful mainly due to its benevolent connotations. It is important to note, however, that the concept of context did not spur public discussions or heated debate. The notion of context was entangled with the less spectacular aspects of planning activities – the drawing of maps and illustrations, the writing of building regulations and shifting administrative relations – to an extent that was so subtle that it was continuously grappled with as a resource through which conflicting temporalities and aspirations among actors in the planning bureaucracy were negotiated.

In what follows, I contextualize the implications of a supposedly contextualized plan in an attempt to understand the meanings this concept was charged with and what purpose it was meant to serve in the planning bureaucracy in Bordeaux. I do this by exploring what context came to mean among three groups of plan makers –

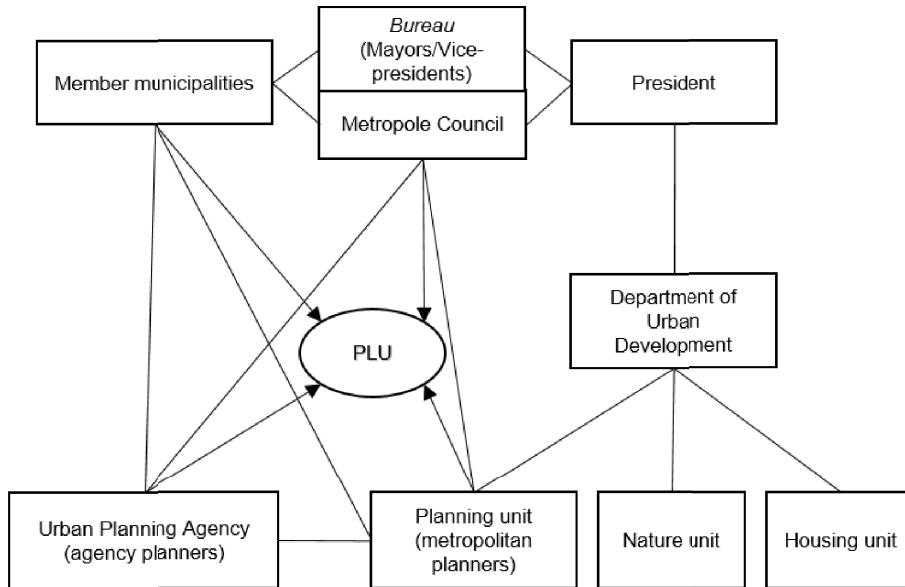


Figure 11. Simplified chart illustrating the relations through the PLU among the actors in the chapter. The arrows indicate plan makers working on the PLU and the straight lines indicate relationships across the different plan making actors. The agenda is prepared by the president as the executive, in collaboration with the *bureau* that is composed of the mayors from all member municipalities among who a majority are also vice-presidents for different delegations. The agenda is voted by the 101 councilors in the metropolitan council that includes the mayors and president.

agency planners, metropolitan planners and mayors (also serving as vice presidents in the metropole) – who were unhappy with the longstanding classical regulatory framework and sought to establish more flexible and adjustable rule modalities. Figure 11 presents a simplified chart that illustrates where in the organizational arrangement around the PLU that the actors figuring in this chapter are situated. First, I visit the offices of planners in the urban planning agency who participated in coordinating and preparing the plan. They were occupied with achieving the creation of an adjustable regulatory framework based on years of work with land-use plans that were incapable of achieving the desired built environment, and they proceeded from the recognition that the urban physical environment transcended what they could know and predict at the planning stage. I then move on to the offices of planners in the metropole administration who assured that the revised plan took the metropole, rather than the municipalities, as its point of reference for the distribution of land-use regulations. Lastly, I shift to the viewpoint of mayors who were

concerned with ensuring that the plan offered opportunities for them to have a say in relation to building permits. While the mayors, agency planners and metropolitan planners alike assured me that the land-use plan was prepared to better adjust to “contexts,” their intentions as to how the plan was to function in practice differed. I conclude with a discussion about how the different intentions related to varying planning temporalities, and how ultimately, the idea of a contextualized plan was entangled with the redistribution of competencies and room for maneuver on planning decisions between municipalities and the metropole.

### **Rule modalities with consideration for contexts**

Throughout the course of my fieldwork, I would return to the urban planning agency that had its offices in a hangar in a port area in the north of the city. In addition to interviews, they consistently organized seminars, workshops and other events that were open to local urban actors and other interested audiences. The agency often played a role in collaborations with the university and public administrations and published books and reports. The agency had succeeded in becoming a central node in Bordeaux for exchanges around diverse policy areas and knowledge around local infrastructure, transport, housing and urban development. Along with urban planning researchers at the local universities, they had played an important role in the urban transformation initiated around 1995 (Cadiou, 2008). The agency operated as a private enterprise that was jointly managed by state and local authorities, and took on projects from public authorities.<sup>25</sup> The agency planners worked on a commission basis, receiving payment from the metropolitan council though they were employed by the private agency; they did not answer to politicians in performing their work. They were consultants with a privileged position in comparison to other private consultancy firms, as the local governments contracted them primarily to prepare plans and planning-related studies on, for instance, transport, environment and commercial activities. Their networks spanned throughout the fifty other urban planning agencies in French urban areas that

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<sup>25</sup> The agency operates within the same legislation as associations and private companies, meaning that their employees are not public officials. They receive funding from national and local governments, who are their main clients and seek them out for studies, preparation of documents and consultation when their expertise is needed in policy making. The agency completed assignments for different levels of government: municipalities, the metropole, and other groupings of municipalities, for instance, in the preparation of the regional *Schéma de Cohérence Territoriale*. The number of urban planning agencies in France has grown since the introduction of the *loi SRU* (Booth et al., 2007).



Figure 12. A large printout of a regulatory zoning map with the different colors on the map coding different zones, on a table at the agency.

functioned as the technical experts for their respective localities, who through their umbrella organization also collaborated with the national government. The agencies took up an important role in urban policy throughout France. However, limited research has been done on their work, despite the continuous role they play in the sphere of public administrations' policy (Prévot et al., 2008).

The agency's involvement in the plan production could occasionally be discerned in the document when their logo appeared next to illustrations and maps they had produced, maps that were sometimes lying around on desks in the agency (see Figure 12). As an important resource of technical expertise for local policy making, the agency had traditionally been fully in charge of the plan making based on the metropole council's requests. The metropolitan planning unit did little more than grant administrative approval, agency planners told me. This division of work duties had slowly transformed throughout the years with the first PLU and even more so during its revision, as the metropole gradually acquired new expertise within its internal planning unit. There was a growing interest among politicians in the plan

preparation that paralleled the acquisition of internal expertise. This growing interest, a planner suggested, sprung from the fact that during the elaboration of the first PLU “politicians sometimes had the impression that there was a void between the discussions on the larger principles that we had with them, and the [resultant] regulatory translation [that we then made].” The proposal resonated with what I had heard from a number of plan makers which, taken together, suggested a growing gap between the technical and the political dimensions of the plan and a growing strategic interest in the plan among politicians, which I will return to below.

At the urban planning agency, I met planners who were particularly critical of the fact that the regulatory framework statically imposed limitations on diverse urban settings without offering the potential for adaptation according to existing variations in the built environment. They depicted the PLU as an overly strict and rigid planning tool. Those who were particularly critical were the planners who had been coordinating the preparation and modification of land-use plans since the intercommunal organizations first land-use plan, the POS, which was finalized in the 1980s. One of these planners was Leïla, an architect by trade, who embodied the closeness that came out of having worked with land-use plans for the same city for over two decades, when she suggested that “there are only two-three of us who really understand [the revised PLU].” The comment was made in a moment of contemplation over both the feeling of relief after having left behind years of plan preparations and a bit of nostalgia about the comprehensive plan that had left the planners desk and now continued on to a life of being influenced by others. Guiding me through the particularities of the recently revised plan, she noted how they had worked in a new way when trying to formulate rules to achieve qualitative objectives rather than expressing things in terms of quantifiable measurements. These objective-centric rules differed from the quantitative rules that had long been commonplace, she explained, in that they “give the conditions” for when a rule could be applied “depending on the context (*en fonction du contexte*).” Instead of detailing precise, quantifiable conditions that needed to be adhered to, they would give the conditions under which rules would apply. As opposed to the quantified rules that they sought to change, planners called this new rule type “qualitative rules (*règles qualitatives*).” Leïla explained the need to elaborate new rule modalities by pointing to the fact that there were always “particular cases, and the normative quantitative rules don’t fit everywhere,” so for that reason, an “adaption of the rule” was useful in order to have it adjusted to diverse settings. Referring to the new rule modality as “more intelligent” than the quantitative modalities, she described how it allowed for the consideration of elements in the existing urban geography that they had not managed to identify in the plan but which would become known through permit

applications. She explained that the aim was, on a case-by-case basis, to protect, trees, wetlands and other elements that had not been explicitly safeguarded through regulations in the plan.

Having failed to find any mention of “qualitative” or “adaptable” rules in the regulatory framework, I asked Leïla to point me to the sections in the written zoning regulation where they were found. She referred me to the paragraph entitled “2.3.5. Special rules (*règles particulières*) related to ecological continuities, wetlands, the valorization of natural resources, built and landscape heritage,” which included a list of elements that would warrant a different application of the rule than what had been stated in the preceding paragraphs. Along a similar line of reasoning around building in the capacity to adapt rules, the agency planners expressed aspirations to achieve a planning instrument that considered the existing urban geography composed of particularities far too complex and diverse for any planner or plan endeavor to encompass.

Overall, they strove to prepare the plan that functioned less as a predefined grid laid upon any land plot, and more as an adjustable resource, positing regulations in relation to the existing elements on which it was applied – basically a plan that would be used in a more interactive way. Their reasoning regarding the revised rule modalities, which were formulated to attend to a diverse array of existing settings, echoed the common critique of modernist planning as proceeding based on a view of space and place as a *tabula rasa*, the idea that space is a blank canvas upon which planners could operate. It is a critique that Gwendolyn Wright has directed at France’s urban planning policy during the first half of the 20<sup>th</sup> century, when colonized cities were seen as “experimental terrains” before major urban development projects in the post war years were carried out “in a modernist vein that was openly hostile to history and regionalism” (1987: 297). The idea of qualitative rules were formulated partly in relation to these previous ways of imposing rules, as the quantitative rules to be diminished were associated with insensitive, non-contextualized approaches to spatial interventions. The idea of qualitative rules among agency planners also entailed an acknowledgement of unknowns in the plan elaboration stage. Instead of preparing rules with precisely defined measurements applicable on permit applications, the rules were to express objectives to be reached. The precise measurements that would be needed would be settled within the realm of permit review, where the unknowns that the plan creates are revealed through details in applications.

One planner argued that planners (he used the form of “we”) know what they want to achieve in terms of urban development but not always the best way how to get there, which is why rules specifying objectives rather than a detailed road map

made more sense. The qualitative rules were in that sense an attempt to iteratively address the diverse settings they would encounter. The belief in the capacity of urban planning, regulatory techniques and their own expertise to achieve better living environments remained strong, but this belief included an acknowledgement of the impossibility of being all-knowing, which played into the idea of having rule modalities that were adaptable to variation. Andrew Mathews (2011) has shown how “nonknowledge” is integral to bureaucratic state knowledge. State agents participate in knowledge production through the use of accurate information as much as through strategies of ignorance, including the use of statistics drawn from inaccurate or outdated data (Mathews, 2011). Within the plan preparation, the planners seemed to bring their lack of knowledge and ignorance into their motivation for elaborating on new kinds of rule modalities. In drafting qualitative rules, planners related to the realm of the unknown that was unavoidably beyond what planners could grasp in their role of drafting future-oriented, coordinating plans.

### **Geographical distribution of rule flexibilities**

Above, I proposed that the planners’ concerns with the effects of the rules shared little resemblance to the idea that land-use plans operate on a blank canvas. However, there were aspects of the elaborated rule modalities that did echo such a conception of space. On one occasion, I sat down with Aurélien, another seasoned agency planner, looking out through the office window over an urban development project where the sound of machinery told of the ongoing construction work. The agency’s office was located just on the edge of what longtime residents had considered beyond the ‘real’ Bordeaux, an area that was instead manifested in the adjacent district characterized by grandiose, previously merchant-owned limestone buildings from the 19<sup>th</sup> century. The area around the agency, Bassins à flot, was redeveloped after being a port and industrial site adjacent to the longtime working-class and craftsmen’s district, Bacalan, through a program to build 5400 apartment buildings in a 21st century architectural style, with façade materials dominated by metal, glass and roof angles meant to reflect the industrial character of the area. The first time I visited the rebuilt hangar in early 2016, the area consisted of cement building skeletons and rebar with barrier fencing separating the construction sites. Signs informed passersby about the property development and encouraged investment. In line with the national legislations favoring the construction of new housing (Dedeurwaerder, 2015), the signs addressed investors that could count on tax reductions when investing in apartments that they put out on the rental market. A

planner suggested that many of these apartments, likely to be rented out by property owners who cared little about maintenance, would soon end up in a department in the public administration that gave subsidies for the renovation of degraded apartments. Local residents and officials generally described the project as low quality and unappealing, both with respect to the buildings and spaces in between. Aurélien quickly reaffirmed the critique against the development and went on to describe the rule modalities steering its design.

Partly repeating the motivations given by Leïla about the need for qualitative rules, Aurélien added that experiences from recent major development projects, such as the one outside the window, manifested the usefulness of looser, less precise rules in the PLU. These projects, which were delimited into specific zones and equipped with an OAP that specified the public administration's broader development objectives without precisely stipulated building regulations, came to embody the symbolic importance of displaying what the local government wanted to promote in terms of cutting edge, contemporary urban design and technology. Sweeping his arm while looking out toward the construction site, Aurélien pondered the occasional impossibility of quantitative rules: "they're fine, but when you start with a project like Bassins à flot [...], if we start too precise everywhere for projects of this scale, how do we do it? Either we make urban development like it was in the 18<sup>th</sup> century when it was very precise, like Bordeaux, very precise" – he made the shape of a square by placing his hands apart, palms aligned – "but that doesn't work anymore." He elaborated by noting that however precise the rules were, they would always encounter moments of difficulty because of the shape of a plot or its location when having to strictly adhere to the rules. This held particularly true in this redevelopment project due to the lack of strategic land acquisition by the local government that resulted in land plots in the area being divided into a diverse array of plots and owners. The idea was that "we relax the rule (*allège la règle*), and we put experts around the table and say that the rule will be decided as we go along," Aurélien explained. This idea, as I understood from several conversations, was also favored among higher-level officials that the mayor relied on in urban planning matters, who saw an opportunity in making internationally recognized architects responsible for the master plans of larger development projects. The actors involved in the redevelopment project would define the specific rules through negotiations, and the agreed-upon rules were then sequentially included in the regulatory framework as it went through the modification process. It was a procedure that allowed for flexibility in rulemaking, which was precluded on the existence of zones with predefined rules, as part of the broader ambition to modernize the planning bureaucracy through qualitative rules and increased collaboration.

The idea of having more flexible rule modalities was thus not only about better attending to existing contexts in the built environment, it was also entangled with the land politics that the local governments undertook to organize the elaboration of building rules for projects spanning vast areas and diverse actors. Rather than placing importance on consideration for the existing surroundings, other than mimicking the aesthetics of the now demolished industrial buildings, this redevelopment project to an even greater degree appeared to be designed to showcase visions of technological advances and innovative urban forms. In that sense, the planning of this zone was more reminiscent of the kind of planning endeavor going into the plan for Brasília (Holston, 1989) and Haussman's partial reconstruction of Paris (Scott, 1998), where history and local particularities were downplayed for the benefit of futuristic visions. Several such redevelopment projects of considerable size were in the pipeline in Bordeaux (e.g. Brazza, Bastide-Niel, Euratlantique, among others) and neighboring municipalities where the elaboration of rules was inspired by the experience gained in Bassins à flot. The rule modalities aimed at providing more flexibility were geographically distributed, whereas the project zones were more about negotiating and discussing rules between different actors involved in the developments; zones of established neighborhoods came to be more about qualitative rules that adapt to diverse pre-existing settings. It is the latter kind of rule and the geographical areas in which they were applied in the revised PLU that I focus on, as it was the rule relations within these zones that figured in the meetings and conversations I engaged in.<sup>26</sup> To sum up, for agency planners, these qualitative rules as a matter of contextualization served to ensure that land-use planning unfolded in a manner more attuned to the existing environment and its heterogeneity.

## Preparing a shared plan

Metropolitan planners also spoke about qualitative rules, although they did so with a less visionary undertone than the agency planners. Instead, they were focused on the effects that rules had on permit procedures. When working with the previous PLU,

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<sup>26</sup> On a few occasions when I was about to get invited to participate in meetings about rules and permits in the project zones, the opportunity was soon withdrawn with reference to the 'tensions' the officials I spoke to were expecting to encounter. In attempting to make sense of what that meant, I understood it to mean that due to the variety of questions, for instance around land ownership, distribution of financial investments, and the different actors that gathered at these meetings, it was a more sensitive setting for officials to bring me to. The situations that I was invited to were commonly related to building permits within already constituted zones, which has shaped the focus of my analysis.

over-precise regulations had resulted in situations where they were forced to refuse permits they would have liked to approve. A metropolitan planner noted, for instance, that the public administration sometimes “receives projects that are extremely qualitative, but because all of a sudden they don’t respect the constructible volume by one percentage, that challenges the whole project, and it’s unfortunate.” From that experience came the idea to try out “norms that tend towards objectives” instead of precisely quantified rules that would be more constraining in terms of allowing alternative ways to propose a construction. Metropolitan planners often gave two examples for when quantitative rules were particularly misleading. The first related to specifications of distance between a proposed construction and the boundaries of the plot, since the plot may have unprotected trees that would be worth preserving.<sup>27</sup> The second related to the conditions for entry ramps for cars which were approved “from the moment that (*dès lors*)” specific conditions were fulfilled. While they did acknowledge the role qualitative rules played in developing a more contextualized plan, their attention was more attuned to assuring that rules considered the metropole as a collective territory of development.

The first planner I interviewed from Bordeaux Métropole was Valentine. She was an experienced planner and public servant with a background in geography and urban planning who had worked for several smaller municipalities, which included involvement in plan preparations, operational projects and permit review. In the metropole administration, which has an organizational size that is not comparable to many municipalities, these tasks were organized into different units with more clearly defined separations. As a subunit within the Department of Urban Development, the planning unit was located alongside units concerned with housing, urban social policy, land and property, natural resources and architectural heritage. Given the “transversal nature of planning,” Valentine explained, the fifteen persons in the planning unit collaborated with interlocutors throughout the Department of Urban Development as well as other departments, such as water and waste, to gather the expertise necessary for comprehensive land-use planning. The planners in the unit primarily had educational backgrounds in urban planning, geography and cartography.

Valentine’s office was furnished with a desk, a well-packed bookshelf and a round table with four chairs. She invited me to sit down and set aside a couple of printed copies of what looked to be Power Point presentations. Later on in our conversation, she brought these out again to show the illustrations of maps they

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<sup>27</sup> There is, for instance, an option to classify areas with trees as non-constructible or mark out individual trees as “remarkable” which assures a certain level of protection.

produced as part of the plan. For most of the interviews that I did with metropolitan planners, they brought a number of printouts of presentations, Power Points and reports, what they referred to as “support” or “props” (*supports*) for our conversation. The documents they brought with them appeared to evoke a sense of security and confidence. This differed from my meetings with agency planners who would rarely bring documents to our conversations, seemingly confident in elaborating on their answers from memory, where the planners’ relationship to the plan came across as less attached to the formal institutional procedures and political agendas. In noting that metropolitan planners tended to comment that they would bring props to our meetings, I considered what Hull has written about instrumental understandings of bureaucracy where formal documents are taken to be “isomorphic with formally structured social organization and interaction” (2012a: 256). What at first seemed to be a reliance on documents to assure a sense of coherence between what they say and the views of the public administration, soon shifted. On relatively few occasions did they consult the documents during our conversations, instead sharing their reflections on the recent events and dynamics more freely from their memory.

Soon into our conversation, Valentine emphasized the role of the metropolitan planning unit in elaborating a land-use plan shared among the member municipalities whose interests often pulled in different directions, which turned out to be a major task and challenge in the plan preparation. Intercommunal organizations are responsible for initiating and preparing land-use plans when they are endowed with the mandate to conduct urban planning, as was the case in Bordeaux Métropole. The council decision to revise the previous PLU specified that the plan preparation was to be a “collaborative work” between the metropole and the municipalities, and that it would result in a “common project (*projet communautaire*) adapted to the local scale to consider the territorial diversity rather than a single rule imposed on everyone” (Communauté Urbaine de Bordeaux, 2010). The way this collaboration would be achieved in practice was a major concern for the metropolitan planners. Soon after the 2010 launch of the revision, the metropolitan planners, each responsible for a certain theme, met with municipalities to gather their concerns about their territory’s development. Valentine explained how such exchanges took place around the theme, “nature,” that was accompanied with an ambition to ensure that no more than half of the metropolitan territory was to be classified as constructible. In order to identify which land was suitable for classification as natural zones, in principle prohibiting construction, they began by reviewing previous metropolitan land-use maps, then went to the municipalities to see how the maps corresponded to their knowledge of the existing state of the terrain, before returning to redraw the metropolitan map. This oscillation between scales eventually resulted in a map showing the outer

### Les outils contribuant à la trame verte et bleue



Figure 13. Print screen from the revised PLU of the rendering of the metropolitan territory without the municipal borders. Source: Bordeaux Métropole (2016a).

boundaries of the metropolitan area within which some parts were colored shades of green, signifying land subject to different kinds of protections, where the remaining white areas signified constructible land (see Figure 13). Valentine celebrated their achievement as having resulted in a shared approach to the distribution of constructible land: “in the end, we had a coherent project for the entirety of the métropole, that is, a green zone (*une zone verte*) that’s not cut at the border of a municipality because on the other side they’ve decided to [construct].”

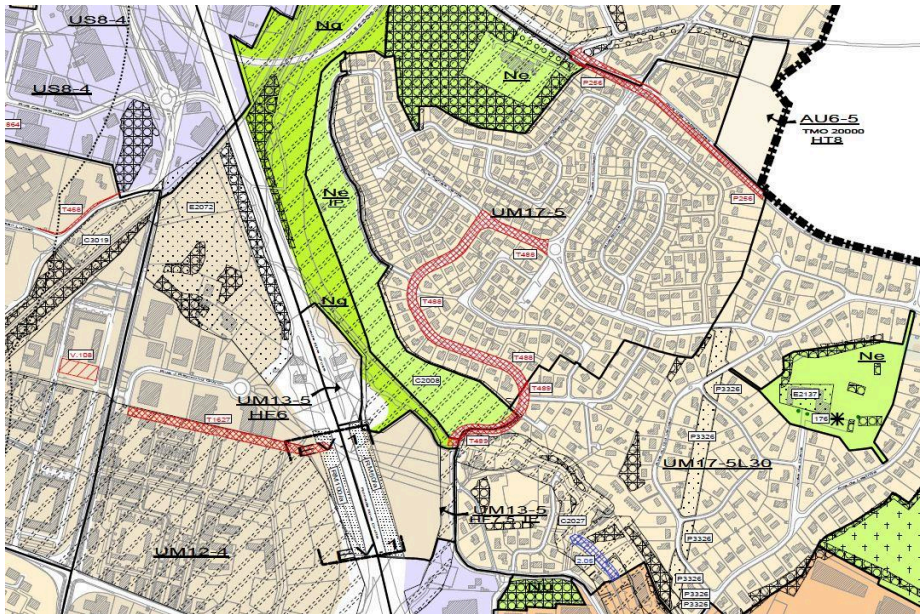


Figure 14. Print screen of a part of a graphical regulatory map with a varied mixture of zones. Source: Bordeaux Métropole (2016a).

The maps dividing the territory into constructible and non-constructible land were later used as a reference for the regulatory framework that, on a scale of 1/5000, drew on cadastral maps with land plots and existing constructions marked out. The planners started with those maps, which were then divided into four main zones with different sets of predefined regulations defined in the *Code de l'urbanisme* nature or forest (*naturelle et forestière*), agriculture (*agricole*), urbanized (*urbaine*) and to be urbanized (*à urbaniser*). Those four categories were subsequently divided into subzones based on a number of elements within each zone. To give an example: urbanized zones (*U*) were divided into several subzones, among which one was *UM*, M for multifunctional (*multifonctionnelle*), which was used for certain areas with historical architecture with larger multiunit buildings and recent private housing developments. The *UM* zones were in turn divided into a variety of subzones depending on the urban fabric that dominated the zone (see Figure 14). Indexed with at least letters and numbers, e.g. *UM3*, subzones could also have additional symbols, letters and numbers that corresponded to particular regulations specified in the map legend. The map legends included information about things like minimum parking space, sites dedicated to social housing, the minimum amount of livable square meters that had

to be constructed and the maximum height of buildings. The alphanumeric index of each graphical map corresponded to a document with texts describing additional regulations. The finer details were outlined through subsequent rounds of meetings between planners and municipalities, for example: what is the maximum height that should be allowed, how should a structure be placed within the plot, what percentage of a land plot could be made impermeable, which trees were to be protected, and so on. The vast number of elements that needed to be considered, combined with the municipalities' concerns about contextualizing the plan with respect to local particularities, led to a proliferation of subzones.

As Valentine passionately described the way they went about preparing the plan, she walked over to the wall behind the table, which was covered with large maps showing the geometrical shape of the outer administrative boundaries of the metropole filled in with various colors, lines and symbols. The maps overlapped, so when she wanted to show the right lower corner of one map, she removed the pin from the left upper corner of another map, making the area covered underneath it visible. The way she moved the pins from overlapping, temporarily attached maps was a vivid reminder of the role land-use planning plays in shaping contexts. Preparing plans entails attending to certain elements and concerns in the city while ignoring others, and the specific categories and color-coding made visible through graphical representations forge connections between certain elements (trees, parks, administrative borders, watersheds) while disregarding others. An official in the department of natural resources cautioned about presuming what the graphical green zones represented, when noting that the categorization of land as "natural" masked the actual conditions of what was protected, for example: wetland areas of critical ecological importance had fallen into the white areas of the plan, while sites estimated to be of comparatively little ecological importance were categorized as nonconstructible. This official's cautioning reminded of the way different perceptions of what contexts a plan attends to can co-exist. What for certain planners were graphical representations that successfully drew on a metropolitan context was for others a graphical representation that failed to protect what needed to be protected. This discrepancy between the regulatory categorization and the actual state of certain terrains appeared to be of limited concern among metropolitan planners. Indeed, towards the end of the preparation period it was more urgent to address how well the plan had successfully forged connections across the member municipalities and managed to reconcile the different political-administrative scales.

## Reconciling metropolitan and municipal scales

Documents are generative in a variety of ways. Hull (2012b) demonstrates how documents engender political subjectivities among people subjected to bureaucratic processes defining land ownership. Tuija Hilding-Rydevik et. al. (2011) show how governmental documents are prepared with intentions to change practices at lower government levels, and Åsa Boholm (2013) shows how they cause anxiety and uncertainty among planners in collaborative processes involving actors with diverse interests. During the weeks following my first meeting with Valentine, I met with several of the planners in the planning unit and noted how they expressed a sense of cautious optimism about what was to become of the plan that they had spent several years putting together. They put hope in the “generative capacity of documents” (Hull, 2012a: 259) and suggested that it could enhance metropolitan coherence. When I met them again about a year later after the plan was approved, they were more concerned about the degree to which the plan would actually have an effect from the moment it left their desks and working groups. They were concerned about whether the plan would be effective and respected enough to do the job it was designed to do. In recounting the planning unit’s work drafting maps and assuring that important policy measures were integrated into the finalized plan, Valentine concluded that:

The PLU must not only become a regulatory document indicating that all constructions have a fence of four meters or so on [...] but something very contextualized (*très contextualisé*), taking into consideration the richness of all the variety of choices made. Because if the metropole is attractive and pleasant, it’s precisely because it is not homogeneous and uniform, resembling all other metropolises.

Her comment pointed to the complex realities of the variety of concerns and the settings within which the plan would be applied. However, what stood out at that moment was the way that she delivered the comment. After having enthusiastically walked me through the broader steps they worked through during its preparation, she concluded on a note that recalled her position as coordinator of the plan with diverse political stakes. Her affirmation echoed the expectation that was pronounced in the council meeting that emphasized the consideration of contexts and particularities. What she carefully described as a matter of respecting heterogeneity and variations, would appear to be about the individual municipalities’ respective appreciation of the kind of development they desired. It appeared that the necessity

for something “very contextualized” related not only to whether the plan would successfully produce the desired outcome in terms of a built environment, but if it was to become effective and respected at all. A metropolitan councilor for Bordeaux, who headed a commission for major urban development projects, confirmed to me the impending risk of the plan’s future. He assured me that “the PLU has a more political, more strategic dimension, a long-term vision which maintains strong political commitments towards car reduction, density, and nature – it’s an extremely important and essential document.” He soon added, however, that “if there is no political commitment to apply it, it’s of no use.” It was around the latter issue that the plan preparation had focused. In parallel to assurances that policy objectives were developed through proper expertise, the planning unit had to navigate through clashing desires between the metropolitan and municipal setting.

The planners’ meetings with municipalities throughout the development of the plan were sometimes tense, recalled Anais, a metropolitan planner in her mid-30s who had worked in the planning unit for several years. When she and her colleagues would present their drafts of maps, the mayors across the table would argue against their propositions, maintaining that “this is my territory, I know it best,” Anais said. Raising her eyebrows to call that proposition into question, she imitated in hindsight the answer she would give: “well, after all, I know quite a bit about it too.” Municipal planners, who often participated in the meetings, had their mayor as their closest policy definer, whilst the metropolitan planners worked on policies set by the president and the metropole council. In several conversations with planners, it became clear to me that there were perceived differences between the two. This was a topic that repeatedly came up due to the merging of services, where planners who were previously in their own respective administrative level now found themselves working side by side. The presumed difference resulted in apprehension among those planners that had worked for a longer period of time in the metropole organization, who thought that the municipal planners had little capacity to “take a big picture view” and consider planning stakes on a broader, metropolitan level. On the other hand, metropolitan planners were said to plan “from above” with little sensitivity to local concerns, as they did not “set foot on the pavement.” These perceptions were related to a broader concern about the metropole as a “technical bastion situated above ground,” as several metropolitan planners reflected, which was a common perception that had taken root among residents since the creation of the intercommunal structure that traditionally handled the technical infrastructure of transport, waste and water. Some planners that had worked in both the municipalities and the metropole carefully described the understanding they had of the challenges in each position. Anais had only worked for the metropole and seemed committed

to the idea of a stronger intercommunal organization. Her hypothetical answer to the mayor spoke to the presumption about metropolitan planners as disconnected from local, municipal life, as she attempted to assure the validity of her professional knowledge in spite of the prejudice that her institutional position engendered among others. The metropolitan planners occasionally found themselves in the unenviable position of defending the metropolitan level, as politicians would fluctuate between concern for metropolitan concerns and neglect in favor of municipal concerns.

The fluctuation between the two levels was vividly present in the *bureau*, which was a nonpublic metropolitan body where the president and the mayors – who in a majority of the cases doubled as vice-presidents with responsibility for specific delegations. A metropolitan official who had been present in the *bureau* during discussions about the PLU in the revision phase recalled a pivotal occasion some years earlier. The president, who also served as mayor, had declared that “this is not my document” overtly expressing his discontent over what the plan was becoming in revision. That the president, the political representative that should above all prioritize the metropole, criticized the plan “was not super...” the official noted, adding that hearing this had been difficult for the planning unit who had put a substantial amount of effort into producing the best possible document. The president’s comment was the most visible sign of the extent to which the land-use plan played to diverse, incompatible interests, according to the official. Nevertheless, the elaboration of the plan had to continue. Planners kept preparing for the regulatory framework through procedures designed to enhance a metropolitan perspective. Anais described how they “gathered the politicians from territories that had a more or less similar composition, similar nature and issues [...] instead of working per municipality.” The plan preparation continued, as did the tension between political-administrative levels with which planners were repeatedly confronted.

The planners’ work was intricately embedded in politicians’ concerns and tensions, and it required the “appreciation of the political-institutional context” that Healey (1992: 16) has found planners to need. This was something they needed particularly in relation to the way planning is a collaborative process including actors with diverse perspectives relative to which planners need to position themselves and their expertise (Boholm, 2013). The metropolitan planners were required to juggle the expectations and anticipated consequences of the plan when elaborating its content. The insights into their work resonate with what Jonathan Murdoch et. al. note about how planners “can no longer be assumed to carry the same degree of authority as under the 'modernist' phase of 'directive', 'scientific' and 'rational' planning procedures and mentalities” (1999: 192). Metropolitan planners were

challenged by a situation within which their expertise was confronted with competing metropolitan and municipal concerns. They had to endure the fact that both levels needed to be represented in the revised plan for its content to be accepted by vice presidents, as they had dual roles as mayors. One planner subtly alluded to this when acknowledging the necessity of preparing a plan accepted by those it concerned: “inevitably, if it’s not shared with those living on the ground, a planning policy doesn’t make any sense.” Those “living on the ground” here referred to the officials and local politicians of municipalities who, metropolitan planners observed, knew “the terrain” better than those in the metropole administration.

## Pasts and futures

Plans point towards different futures and carry promises of a different tomorrow, as Abram and Weskalnyz (2013) note. This was also the case for the PLU. It pointed toward a future metropolitan area worthy of note on a “European scale,” where public transportation, walking and biking take up a bigger portion of the modes of mobility, the share of social housing is 25 % of all accommodations, buildings are more energy efficient and natural areas are protected (Bordeaux Métropole, 2016a). While outlining the way public administration was to coordinate continuous change, the plan also embodied a past. Its content and the modalities with which it was invested resulted not only from what was desired in a forward-looking perspective, but also from the experiences of mayors with the past plan and the situations resulting from the plan. This was addressed in an interview that I did with a mayor of one of the metropolitan member municipalities.

Arriving to the municipality by bus, I got off at one of the main streets and walked past a couple of bank offices, a real estate agency, a hair dresser, a medical office, bakeries, restaurants and a corner shop selling tobacco products, newspapers and betting games. The clustering of these services around the 19<sup>th</sup> century church, square and the 18<sup>th</sup> century *château* hosting the *Hôtel de Ville*, reminded me of how space is relationally produced. Having been a municipality since the introduction of the administrative state organization after the 1789 Revolution, this area was long a rural village, home to farmers and wine manufactories owned by traders in Bordeaux. It grew from a population of around 5000 in the mid 1950’s to the current 25000 residents in what is now considered a suburban area where people live and few work. Similar to its neighboring municipalities, it is dominated by single-family, privately-owned housing developments and a populace with a salary above the average of the metropole (Victoire, 2014: 49). The town hall, where residents would go to access



Figure 15. A range of posters in front of a *Hôtel de Ville* displaying building permit decisions signed by the mayor.

public services and its elected representatives, was situated in a park a few minutes' walk from the bus stop. Several poster signs stood in a row along the pathway to its entrance, framing legal decisions (*arrêtés*) on civil marriages, road maintenance work and refusals/approvals for building permits signed by the mayor (see Figure 15). In legalese citing the sources that formed the basis for the decision, the permit decisions included references to the valid PLU, the *Code de l'urbanisme* and other instances regulating land-use rights upon which municipalities entitled to review permit applications must motivate their decisions. The red stamps discernable on each sheet provided information about the date that the decision was displayed and the date – two months later – that it would be removed, which equates to the period during which a permit decision can be appealed. The indicated time period suggests how the forward-looking plan was entangled with other temporalities, such as the legal-

technical procedures aimed at ensuring a balance between the right to build and the right to challenge building decisions (Breuillard et al., 2007).

The receptionist in the building informed me that the Mayor, who I refer to with a capital M in contrast to when I refer more generally to several mayors with a lowercase m, would soon be back from an errand. It was late March 2017, and a page in the municipal magazine on a sofa table where I sat down reported on the revised PLU that had been valid for about a month. It provided a colorful, pedagogical explanation of what this document was and why it mattered. Addressing current or future property owners, it informed about the necessity to consult the plan for any construction or building modification. Reading this information crystallized my understanding of the plan as one primarily enacted in relation to land and property ownership and development, rather than a plan with relevance for the broader public through its impact on spatial developments and, by consequence, everyday life.<sup>28</sup>

The Mayor soon arrived and welcomed me into his office where shelves were overflowing with objects and panoramic windows with thick, heavy curtains framed the view to the outside park area. In addition to the Mayor's mannerisms, for example, folding up his shirtsleeves before sitting down, the environment emanated a sense that he was well established in this room. In preparation for the interview, colleagues at the University of Bordeaux with longtime insight into local politics had briefed me that this Mayor was outspoken about municipal interests. He was reelected by a comfortable majority in the last municipal elections and had been in office in close to two decades. I asked about his view on the revised plan, to which he responded:

The first PLU that was voted by Bordeaux Métropole in 2006 was a rupture with the former vision, the [POS], and very clearly, there has been a tendency towards uniformity. And for ten years we have seen the limits of this uniformity because a joint PLU doesn't consider local particularity (*particularité locale*), the typology of the city, and the typology of quartiers. It's a PLU that offers the same solutions everywhere, but that doesn't offer a lot of coherence.

The shift that he pointed to coincided with the transformation that Bordeaux was undergoing at the same time through the urban projects revitalizing the inner city

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<sup>28</sup> During the initial stages of the plan preparation that preceded my study, an extensive public consultation process was organized around the strategy to outline the broader objectives of the revised PLU through public participation. The participation of the public was considered to be interrelated with the question of enhancing the legitimacy of the metropole among local constituencies (Couture, 2018).

center and the tramway network which had effects throughout the larger metropole. But in order to situate the “rupture” he referred to, it is necessary to leave the Mayor’s office and look more closely at the national politics that I introduced in Chapter 2. In 2000, the *loi SRU* introduced a policy with a firm emphasis on the reduction of urban sprawl by prioritizing densification together with incentives for enhanced intercommunal planning at the expense of the municipal perspective. By considering a larger territory when laying out land-use regulations, together with the integration of various sectoral policies, the idea was to achieve a more efficient distribution of land use (Farthing & Carrière, 2007). The legal requirement to use the plot ratio calculations (*COS*; *coefficient d’occupation des sols*)<sup>29</sup> when defining the constructability of a land plot was removed with the *loi SRU* and replaced with regulations meant to favor densification (Goze, 2002). Densification was a central premise for the kind of sustainable urban development promoted through the planning reform (Booth, 2003), which also interplayed with marketization of property (Guelton, 2015). Bordeaux’s first PLU used regulations that imposed limits on heights, widths and constructible percentages to regulate the increased development rights of a land plot, instead of the plot ratio. This shift in regulations was a rupture between the former and current planning instrument. According to the Mayor, who specifically pointed to the now removed plot ratio, this rupture had undesirable effects in terms of, for instance, “uniformity” of urban policy across the member municipalities. He suggested that the first PLU had “produced aberrations of typologies, in terms of the form of housing” and that it disregarded “local particularity.” His account resonated with other mayors’ reasoning in local media and was telling of the growing interest among mayors in the revision of the PLU to which planners also testified.

Leïla, the agency planner, recalled that there was a rather tepid interest among mayors when they began elaborating the first PLU around 2003. The previous POS was the result of “à la carte” planning which, despite being intercommunal, included regulatory maps adapted to each municipality’s wishes. This accommodation of municipal priorities declined during the elaboration of the first PLU in line with the recent planning law emphasizing larger territorial units as the basis for urban policy. The resulting regulatory scheme, which constrained the action space of municipalities throughout its validity (often around a decade), caused frustration among politicians. Leïla noted that experiences with the first PLU played into the revision, as politicians started to care more about what it proposed:

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<sup>29</sup> The plot ratio was a calculation of the total amount of square meters of floor space that are constructible in relation to the total amount of square meters of a plot of land.

I believe that there was sort of a realization among certain politicians that all of a sudden began caring more about [the PLU]. Since 2006, some of them had suffered through, if you will, negotiating developers' projects to lower the heights etcetera [...] but there was a bit of 'oh, we allowed things to pass, we didn't keep control and we didn't understand all of it back then.' And so now after ten years of using the PLU, there was finally an interest again.

In the wake of the *loi SRU*, the metropole produced a first PLU, after which the mayors found themselves restricted, compared to the preceding POS that was adapted to their respective territory. The Mayor addressed this fact when noting that "even if the [POS] was metropolitan, it was still personalized per municipality, which was an advantage," before complaining that the first PLU that followed precluded "local particularities" – which in this case appeared to imply the will of local municipal representatives. As the first PLU went into revision, it gained strategic importance for mayors that had been confronted with permit decisions prepared under a plan that promoted an attitude towards development sometimes counter to what they wanted to approve. The legal-administrative arrangement in which both the building permit applicants and the public administration issuing permits are forced to strictly follow the PLU (and other valid regulations) resulted in complicated situations for member municipalities that were required to comply with the metropolitan plan.

The renewed attention was also due to the limited experience that many municipalities had with permit review, a responsibility transferred to them from the prefects through the decentralization laws in the early 1980s. It took many years before municipalities had added internal land law departments to their administration to issue permits. In early 2000, when the first PLU was prepared, many of the municipalities either lacked or had only recently created their own land law department, so "certain politicians still looked at permit review from a distance" back then, Leïla suggested. During the start of the plan revision in 2010, member municipalities had a better grasp on permit review and its consequences. While there was a sense of expanding metropolitan planning activity in line with the reform ambitions to enhance intercommunal cooperation the responsibility to issue building authorizations, which municipalities had been granted quite recently during the decentralization acts, fostered a parallel movement. It was within the realm of building permit review that mayors could act on land-use decisions in their role as municipal elected representatives, and developments in recent years in terms of densification and increased housing prices had led to dissatisfaction among their constituencies.

## Increasing heights, prices and discontent

The mayors' concerns about the possibilities and effects of the revised plan were consistently explained as a perceived sense of residents' opinions. The plan revision was launched with the "objective to be a million person metropole by Horizon 2030" (Communauté Urbaine de Bordeaux, 2010). This objective had a historical legacy dating to former mayor Chaban-Delmas who, in 1965, declared the same aspiration to become a metropolitan area of one million habitants.<sup>30</sup> During the years that followed, however, the objective to reach one million habitants (250,000 more than the current population) became a source of discontent with the ongoing urban development leading to densification. For mayors of smaller member municipalities, this objective threatened the local identities of their territories (Godier & Tapie, 2020). The objective was increasingly pushed to the background throughout the preparation process – at least in the strategic document – eventually to be replaced by the ambition to become a "metropole on a European scale" (Bordeaux Métropole, 2016a). This shift in objective was telling of a widespread feeling of discontent with the unfolding urban development throughout the years that ran parallel to the plan preparation.

Property prices in Bordeaux Métropole had been increasing for several years. Throughout 2017 and 2018 they rose for instance with 12.7 % in Bordeaux and 13.6 % and 16.4 % in adjacent Merignac and Pessac respectively.<sup>31</sup> This resulted in the displacement of households unable to cope with the increasingly high cost of living and a tendency for low income households to move to municipalities outside the metropole, which demanded longer commuting distances by car or in already cramped public transportation networks (Dembski et al., in press). The social movement *les Gilets Jaunes* that emerged across France in 2018 as a response to the national government's announced increase to the fuel tax was particularly strong in the Gironde department and in Bordeaux, which became a stronghold for the movement. Local residents pointed to the housing situation as a reason for the active mobilization. Households already suffering through increased housing costs were

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<sup>30</sup> INA. (1965). *Demain un million d'habitants, Chaban Delmas et Bordeaux* [Video file]. Retrieved May 14, 2020, from <https://www.ina.fr>.

<sup>31</sup> According to Cheminade, P. (2018, November 6). Bordeaux Métropole : la hausse des prix immobiliers fait tache d'huile. *La Tribune Bordeaux*. Retrieved May 14, 2020, from <https://objectifaquitaine.latribune.fr>.

heavily affected by the tax increase, since commuting from affordable areas to areas with job opportunities required longer driving distances.<sup>32</sup>

While residents who were forced to move represented one group that affected local politics, another was a group of current residents who felt discontent with continuous construction and particularly with densification. The previous PLU allowed for the development of available land plots within private housing developments to construct multiunit housing, much to the dislike of those who neighbored these properties. Building height was another contested matter. It was a standing reference among actors involved in Bordelais planning that any building beyond 'R+2,' where R stands for *rez-de-chaussée* and 2 the number of floors above the entrance floor, was considered 'high.' In a trade magazine for the construction sector, the former mayor of Bordeaux noted that "the notion of density is without doubt the noun that a politician or a mayor is most uncomfortable with," and that for Bordeaux "which has a lot of detached housing units, density [is] most often associated with height beyond R+2!"<sup>33</sup> Two thirds of the housing units in the larger urban area of Bordeaux were detached housing units in 2014 (Victoire, 2014: 23). The shorter buildings occupied a coveted spot in the perception of desirable housing opportunities among both politicians and residents. For example, I heard several comments among residents I spoke to that Bordeaux, in comparison to the other larger urban areas in the country, did not have any *banlieues*, a term associated with a suburban modernist program often including social housing. Such comments were often followed by 'we only have *Les Aubiers*, which was a housing project from the 1970s that has come to symbolize an enclave of socio-economic vulnerability and delinquency seen as the exception to Bordeaux's image as a calm, affluent medium-sized city that is different from other French urban metropolises. Requirements that land-use plans reduce urban sprawl and thus densify were, as one planner described, "national preoccupations imposed locally that are legitimate but that collide with deeply anchored logics among inhabitants and councilors. The average French person wants a detached house with a garden."

Mayors assured the public that they were taking action in response to discontent with ongoing densification and increasing building heights. Consider, for example, one mayor who stated in a local newspaper that "along the tramway, we authorize R+4, but we want to preserve our areas of *échoppes* [one to two story buildings]

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<sup>32</sup> As reported in Mayer, C. (2019, February 19). Comment Bordeaux est devenu un bastion des « gilets jaunes ». *Le Monde*. Retrieved May 14, 2020, from <https://www.lemonde.fr>.

<sup>33</sup> Juppé, A. (2013, June). Une question à aborder avec pragmatisme. *Constructif*, n°35. Retrieved May 14, 2020, from: <http://www.constructif.fr>. My translation.

prevent the municipality from transforming too rapidly.”<sup>34</sup> Another mayor assured the public that “the model of the 1960s and 70s that consisted of always building higher and higher is ending. It’s the old way of things. It’s necessary to listen to the despair (*le ras-le-bol*) expressed in all municipalities.”<sup>35</sup> The dissatisfaction with multiunit housing was visible in permit appeal trends from third parties (including neighbors and other persons who have grounds to say they are affected by the proposed constructions). A metropolitan planner shared evidence of such tendencies from one municipality in 2016, where 60 % of the approved permit decisions that were appealed by third parties concerned multiunit housing or permits involving a division of land that implied a denser development of the plot.

Discontent with ongoing construction projects affected the plan preparation as municipal elections were held in 2014. Mayors that campaigned with a message of slowing down urbanization were successful in many municipalities. The Mayor that I interviewed commented on that shift by noting that “a certain number of mayors have recalibrated their positions by relativizing the question of quantity for the question of quality.” Many mayors made the emphasis on “quality” a euphemism for prioritizing a halt on ongoing densification over guaranteed affordable housing for those who were struggling. For the finalization of the plan revision, the planners found themselves in front of newly elected mayors who had promised their constituencies that they would reverse course from pathways set out by the previous office holders. One metropolitan planner remembered being confronted with mayors who had campaigned on the promise that “with me as mayor, don’t worry, we won’t make that project, or that project, etcetera.” Even those who remained in office were “a bit wary... there are few mayors now who say ‘me, the coming six years, I will construct.’” Whilst the comprehensive procedure of revising the plan was relatively far along, the graphical maps and regulations were to some extent modified in attempts to meet the desires of the elected mayors. However, although the objective to reach a million inhabitants was erased from the PADD, the regulatory framework that eventually got approved had been prepared with zoning rules that in practice allowed for the construction of the housing needed to host the initially desired population increase, an agency planner pointed out. Although sentences in the strategic written documents of the plan could be easily replaced, the

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<sup>34</sup> Cheminade, P. (2018, July 3). Urbanisme : Bègles met le frein sur la construction de logements neufs. *La Tribune Bordeaux*. Retrieved May 14, 2020, from <https://objectifaquitaine.latribune.fr/>. My translation.

<sup>35</sup> Delhoumeau, O. (2018, September 21). Le modèle urbain des années 60–70 est terminé. *Sud Ouest*. Retrieved May 14, 2020, from <https://www.sudouest.fr/>. My translation.

zoning maps for the 578 square kilometers across the metropole had already been prepared with specifications for heights, volumes, distances between plot borders and other details that in principle paved the way for the continuous development of a denser and higher cityscape. Thus, the plan that was eventually approved and the mayors' promises to halt urbanization clashed in ways that were telling of the presence of diverse planning temporalities.

Plans may propose specific temporal flows but in practice they are part of continuous “layering and folding of presents and futures” as Abram (2014: 144-5) notes. Some of the multiple temporalities intersecting through the plan were surfacing in the consequences of the municipal elections. By that time, planners had worked over approximately four years in an attempt to ensure that its content would be widely accepted, towards the perspective of Bordeaux in a future horizon. It had been prepared with a vision for the year 2030 in mind, and without an upper validity date for the PLU, it was to remain valid for an unspecified amount of time. Meanwhile, municipal mandate periods ran for six years, nested into the “cyclical calendar” of municipal time (Abram, 2014: 136). Their rhythm overlapped with the plan preparation and the questions of building constructions, densification and height that were part of the public debate. Local politicians and mayors tended to emphasize the present and near future within the rhythm of municipal time. While the council's vote on the PLU signaled an adherence to the far-reaching perspective that the plan was set out to coordinate beyond the term of office, the practices that they engaged in suggested that more near-future concerns were pressing. By 2014, when shifts in party majorities occurred in several municipalities, the revised plan was too close to completion to incorporate any major changes the incoming political groups might wish. The amount and kind of construction that the regulatory plan had included continued to haunt politicians who held other aspirations for urban development. After all, the plan would remain valid and function as the legal ground for permit decisions for the years to come.

### **Contextualizing zoning maps**

The regulatory part of the land-use plan had been a contentious issue since the launch of the plan revision. Edmé, a former metropolitan planner who participated in the first years of the revision process, spoke about this when we met on one occasion towards the end of 2018. While there were certain persons that I was repeatedly referred to when talking to planners about my research, it was only when updating a friend who had worked in the metropole about where my study was heading that I

was referred to Edmé. As he was currently involved in the more operational side of urban development, his analysis of local planning politics was from a somewhat detached, observational perspective, to which he added that what he shared was solely his personal reading of current tendencies. He reflected back on his time in the public administration and recalled that early on “there was a big debate about the simplification of the rule (*la simplification de la règle*)” in the *bureau*. The politicians, he recalled, “did not really mention directly the heavier metropolitan strategies, such as social housing etcetera.” Discussions were more along the lines of “let us to do our projects, as local politicians (*en tant qu'élus de proximité*) we are the most legitimate to arbitrate or to define what we want and don't want in our municipality.” The discussion was “rather sort of an anti-norm discourse saying, ‘let us take care of local urban development (*l'aménagement de proximité*)’ rather than a focus on the broader policy objectives,” Edmé suggested. Discussions about which level of government was most legitimate in defining urban strategies had been on full display during the preparation of the plan, as the Mayor introduced above also related. Upon validation of the plan, when it was no longer an object in the making but a legal document based on which permits were to be issued, concerns shifted towards what constructions the plan actually allowed. Edmé shared the following observation:

The critical discourse towards the PLU today is that it is a sort of theoretical constructible envelope, and ‘we, politicians, don't recognize ourselves in this theoretical envelope, we want to construct less, very clearly, we want to accept fewer [new residents], and the population asks us to reduce the heights, and things.’ [...] Although, as you know, the PLU is not just building rules, it's a strategy with numbers, with interrelated stakes – mobility, environment, housing...

He emphasized that the revised PLU was after all a strategy spanning wider subject areas than just detailed building rules. Nevertheless, it is the regulatory framework that creates the conditions for how permits are handled and mayors are the ones who sign permits. Edmé was clearly frustrated with the stakes the plan had come to be about at the expense of its broader relevance for urban transformation. He noted that in addition to the ‘local’ (which implied the municipal), the document was used to cater to “the logic of the neighborhood (*voisinage*)” since the politicians concerned with earning votes were attending to the “needs of the neighborhood” rather than the “needs of residents.”

The agency planner, Aurélien, shared numerable anecdotes from the process of preparing the regulatory framework, which were indicative of what Edmé had referred to as “neighborhood logics.” Aurélien's anecdotes came from his many years

within urban planning and local political life, and he delivered them with an unmistakable dialect from the region, always ready to share his view on things with colleagues and other keen listeners, such as me. On one occasion, he had argued with a mayor who wanted to shift a terrain classified as a natural zone into an urban zone. Concerned with the political declarations of guarding natural areas that are unbuilt, Aurélien questioned his demand to re-categorize the zone. A bit into the discussion, a municipal planner also in attendance at the meeting informed him that the land belonged to the owner of the local sports bar hosting rugby supporters. Aurélien explained that he responded with an “*ah beh Monsieur le maire*, you should have told me, I wouldn’t fight. The plot belonging to the sports bar – that’s important.” While he retold this story with an ironic tone, an irreducible fact remained – treating the bar owner with a little extra attention was an unsurprising move from a mayor keen on assuring the satisfaction of local sports communities. Rugby was a source of regional pride and identity that could be expected to influence political priorities. The concern about the sports bar also highlighted the way zoning and regulations have a direct impact on people’s lives; that is why catering to a sports bar owner may prove useful for a mayor concerned with his political career, a mayor who depends on the support of local residents whose lives may be entangled with sport interests. Other times, motives for particular zoning regulations were related to family ties. Aurélien recalled a situation where he had already figured that the ownership of a plot meant it was useless to debate. This confused another official in the meeting who afterwards asked why he had not debated with the mayor who was clearly proposing a questionable land use alternative, to which he responded, “you didn’t know? It’s the land plot of the parents in law...”

While these exchanges can be read from a standpoint that assumes that planners should take a firmer stance against political opportunism, they are also telling of how the dynamics of local intimacies between mayors, their families and residents played out in plan making. With well over a decade of experience in local planning politics, Aurélien had developed a sense of which battles were worth fighting and which battles would go nowhere. Juxtaposed against the demands for a plan “adapted to context,” the anecdotes that he shared indicated that the level of “contexts” considered included mayors who catered to interests hinged on personal promises. The preparation of the regulatory framework and its zoning categories had thus taken shape partly through careful consideration for the owners and the potential consequences of categorizing a specific land plot in a specific way. Thus far, I have focused on the upstream process of preparing the plan, for instance through elaborations of zoning maps. However, the demand for a more contextualized plan

was also at play in the downstream move as it entered the offices of permit reviewers, where mayors were responsible for signing permit decisions.

### **A source of authority**

In 2016, the same year that the council ratified the plan, the metropole took a further step towards a joint government by merging a number of municipal services into the metropolitan administration. Among these were the land law departments. The Mayor that I interviewed acknowledged that merging certain departments could result in economies of scale, but that the land law departments were an exception to that. “Building permits, that’s another debate – signing a permit is a strategic act” he said thoughtfully before explaining that it connected to the broader question of whether mayors should be considered the legitimate leaders of local political projects or if the metropole should be the legitimate actor for that. The question of building permits ran straight to the heart of ongoing restructuring of the mayors’ role in French politics. The Mayor was clearly in favor of the option that would keep the land law department internal at the municipal level. He noted that the metropolitan administration might have the capacity to perform a technically qualitative review, but “the mayor should make a contextualization (*faire une mise en contexte*) to see if the project [the permit application], even if it is regulatory, can be accepted or not.” In his proposal, the plan should not only care for a variety of local particularities in the upstream process of the plan preparation, through the making of urban strategy and zoning maps. Instead, the matter of contextualization appeared to be about the capacity of mayors to decide on permit applications *irrespective* of their fulfillment of regulatory requirements. It was about *who* was to define which contexts mattered and *when* such definitions were to be made. In other words, what the Mayor suggested was that mayors as a principal were entitled to enact authority over permit decisions not only through the elaboration of the plan, but also in the realm of permit review. Confident that the plan allowed the possibility of “contextualizing” permits, the Mayor explained vaguely how the revised plan was “more flexible” and had “much broader rules so that each municipality has been able to draw from them in an attempt to find good tools corresponding to their territory.” It wasn’t until subsequent participation in discussions about permit review after that interview that I managed to discern how it was possible to influence the permit process. What was already discernable at this point, however, was the mayors’ inclination to make use of the possibility to refuse building permits.

Edmé's observation on the tendency for local politicians to want less construction and lower height was amplified in late 2018 when the cyclical municipal council calendar entered the preliminary stages of the 2020 local elections. In the local newspaper, I read accounts of mayors manifesting the number of building permits they had refused. One mayor boasted about having "diminished by more than half the number of building permits delivered in Pessac in 2016 compared to 2015."<sup>36</sup> Another claimed that "over one and a half years, I have refused building permits equaling close to 3000 apartments. Another fact, during this period we have refused three times more building permits for multiunit buildings than we have approved."<sup>37</sup> A third mayor announced a desire to "impose R+1 as maximum in Bègles outside of project zones" before declaring that he had "refused permits for more than 1000 apartments in one year!"<sup>38</sup> When first encountering these claims, I kept wondering about what appeared to be a paradox where mayors bragged about rejecting housing construction, while members of their constituency struggled to find affordable housing. Eventually, I noticed that rather being a paradox, it appeared to be a decoupling of contexts. For officials like Edmé, the strategic questions were about assuring affordable housing, ensuring environmental protections or the provision of mobility services, which were all high-profile objectives in the plan that the regulatory framework was in principle meant to enable. For mayors, as proposed by the one quoted above, signing permits was a "strategic act." Permit review based on the regulatory framework tended to be more about assuring municipal authority within the shifting power landscape where municipalities were being sequentially deprived of mandates that moved to the metropolitan level. Mayors guarded their capacity to sign permits as an entitlement granted to them through the fact that elections were municipal, not metropolitan.<sup>39</sup>

Once in force, the revised PLU plan became a site of contention for decisions over permits. Over a year into the validity of the plan Edmé, somewhat deflated, noted that planners had invested an enormous amount of time and effort into the

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<sup>36</sup> Cheminade, P. (2018, September 12). Urbanisme : Franck Raynal brandit le "slow building" pour défendre la qualité de vie à Pessac. *La Tribune Bordeaux*. Retrieved May 14, 2020, from <https://objectifaquitaine.latribune.fr>. My translation.

<sup>37</sup> Delhoumeau, O. (2018). Le modèle urbain des années 60–70 est terminé. *Sud Ouest*. September 21. Retrieved May 14, 2020, from <https://www.sudouest.fr/>. My translation.

<sup>38</sup> Cheminade, P. (2018, July 3). Urbanisme : Bègles met le frein sur la construction de logements neufs. *La Tribune Bordeaux*. Retrieved May 14, 2020, from <https://objectifaquitaine.latribune.fr/>. My translation.

<sup>39</sup> Those municipalities who merged their land law department with the metropole administration were still entitled to sign permits.

comprehensive preparation procedure to make the plan document correspond to the political will, before summarizing how:

In principle, the PLU should be the heart of the strategy – be intercommunal, be linked to the environmental strategy, to the housing strategy... All that was at the heart of the idea that the PLU should not be purely technical and regulatory, but it should be the heart of the strategy, and we even heard that it should be lightened, be made less heavy, simpler, and very strongly linked to the urban strategy.

With a concerned tone, he concluded that today “there is unfortunately a rather deep gap between [the PLU as] a technical document” and “a more, so to say, political management.” Another planner noted similarly that there was a “gap between the temporality of the politicians and the temporality of technicians,” between politicians’ concerns with the present pressing issues in relation to the term of office and the elaborate, comprehensive, long-term technical dimensions of urban development.

The way that temporalities played into plan making and intersected with the idea of “contextualization” as a verb can be read through Bear’s (2016) conceptualization of the relation between expert knowledge and time. The plan had been prepared with the expectation to fashion points of temporal and spatial connections, what Bear (2016) calls “chronotopes.” Planners had the ambition of connecting horizons beyond the term of office with questions relating to the provision of housing, environmental protections and other objectives from the strategic document, in order to ensure that subsequent permit decisions would work in favor of these objectives. The plan was fixed in a hierarchical position that made it decisive for the legality of permit decisions, and it was to channel urban development according to the outlined objectives and their translations in the regulatory framework. However, the effects of electoral cycles worked counter to the time-space conjunctions that planners sought for through the elaboration of plans that were to guide land-use decisions. Mayors, partly in relation to the perceived desires of residents, repeatedly made the plan about an unfolding present. The capacity to sign permits was a moment that allowed them to act on that present in a way that the land-use plan, fixed as it was from the moment of its approval, prevented. I have already suggested that the plan carried a past (experiences with the previous PLU, which politicians wanted to avoid) and a future (in the broader strategic objectives that it set out to address). It also carried a present similar to what Baxstrom (2011) has demonstrated about the possibility that urban development plans, “as an instrument of action in the present,” are meant to legitimize action in an unfolding now, rather than working

as a controlling technology towards envisioned futures. The revised PLU thus harbored conflicting temporal dimensions: for planners it was about what it would enable in the future, for mayors it was seemingly more about ensuring that it included pockets of flexibility that allowed for action in an ongoing present. While it was principally a planning instrument meant to coordinate urban development towards envisioned futures, what it came to be about in Bordeaux was just as much the struggle over decision making in the present. In that regard, the demands for contextualization came through as a pretext for a set of intentions that had to do with authority over decisions, perhaps as much as about what particular ‘contexts’ actually mattered. These demands appeared to function as a euphemism for safeguarding the authority to intervene in the course of actions that the land-use plan, through permit review, might set in motion.

## **Discussion**

This chapter started at the moment that the metropolitan council ratified the land-use plan, when plan makers unanimously described the revised PLU as “adapted to context.” Tracing the implications of this proposition revealed that what appeared to be a consensual term, signifying an agreement about the importance of attention to local particularities and variations, was in fact imbued with diverse meanings. For the agency planners, the ambition of having a contextualized plan related to planning as a technical exercise occupied with preparing effective regulations to favor development objectives and to ensure rule modalities better attuned to accommodate a diversity of settings. For the metropolitan planners, it was more about a political struggle relating to the distribution of authority across municipalities and the intercommunal organization, where a technically irreproachable plan shared by the member municipalities would tilt the scales in favor of the metropolitan scale. Meanwhile, mayors were showing an increasing interest in the plan-making process, planners testified. Their growing interest appeared related to the stakes of the permit review where the content of the plan was being concretized in relation to manifestations in the built environment. For mayors, that the plan was adapted to contexts was about political management entangled with concerns about the plan’s objectives and assurances that it enabled municipal authority in continuous land-use decisions. It was not just that the plan was the result of considerations of certain local particularities. As a validated legal instrument, it was to become a device for an extended negotiation of which local particularities were to be considered in any given

building permit situation. What the local and the particular referred to lacked associations with stable entities across plan makers.

In much of the literature on planning, attending to context is presumed to be an inherently positive endeavor, often without specifics about what this implies (see e.g. Forester, 2016). Moreover, it is arguably unlikely that any planning bureaucracy would explicitly claim that they are disregarding the local and particular, although there are a variety of understandings about what counts as local or particular. It was also agreed in Bordeaux that attending to contexts was a good thing. The notion functioned as a clear indication that the plan-making procedure was carefully attending to variations and particularities in the existing urban geography, although it was riddled with diverse meanings. Mayors were concerned with securing a degree of control over the role that the plan played in the permit review. Metropolitan planners underlined the importance of achieving a shared metropolitan plan, all the while recognizing the presence of municipal interests, as Valentine pointed out. Agency planners were convinced of the necessity of elaborating qualitative rules adjustable to diverse settings for improved urban development, while they were aware that attending to “contexts” could also imply attending to particular interests, as in the case of the mayors’ re-categorization of land for family interests. All of those dimensions cohabitated within the broader agreement to make the revised plan contextualized.

As Holston (1989) pointed out, it is relevant to consider planners’ and politicians’ intentions within urban planning respectively. In doing so, I organized this chapter around the three groups of plan makers, without the intention to suggest that their activities and intentions unfolded separately. Although metropolitan planners, agency planners, and mayors emphasized different aspects of what a contextualized plan meant, the implications that they had were intricately overlapping. Planners’ search for adjustable rules towards unruly and never fully knowable environments overlapped with mayors’ aspirations for a planning instrument that allowed for adjustment of permit decisions. Influence over permit decisions was an act upheld as appropriately located to municipal levels for which elections were held, and so the permit review was brought into broader political-administrative reforms actualizing questions of political legitimacy. Mayors’ aspirations to use the contextualized plan in ways that contradicted the objectives it had set out to do indicated how planners’ work was repeatedly undercut by political stakes that blurred any distinction between the technical and political. The plan, as a contextualizing object, was made into a technical issue, about designing urban development through regulations (among agency planners) and a political issue, about legitimate authority over planning decisions (among mayors) respectively,

similar to what Andrew Barry (2013) has shown in terms of how material objects are made to be different things among different groups and in relation to different disputes. Which aspect would have the upper hand depended on different situations and the stakes that it was entangled with. It was the function of the plan as a contextualizing device in an unfolding present that stood out in the episodes I attended to. In the following chapter, I turn to an illustration of how the revised regulatory framework figured in settings of permit review.

## 5. Interpreting Rules

“Where’s my bible (*ma bible*),” Perrine asked, lifting papers and zoning maps spread out across the table. She soon located it under a colorful printout of a graphical map of the zone covering a land plot. Perrine was a permit reviewer in her 30s with a background in legal studies and urban planning who had been working for the last five years in the land law department. The land law department reviewed applications and prepared permit decisions based on the land-use plan. We spent the morning with two of her colleagues discussing how to assess a permit application regarding a property owner who wished to construct a new house. It was early 2017 and the then valid PLU was gradually being phased out and replaced with the revised PLU. For a period of time they alternated between the plans, using the former and upcoming one respectively depending on when the permit at hand was to be issued. As they were to reference the rules that applied in each case, Perrine searched for the regulatory framework specifying the rules with which the permit must conform. This was not the first occasion I heard permit reviewers referring to the regulatory framework as their “bible.” When they did so, it was with a modicum of ironic distance to the fundamental role that this document had as a centerpiece around which their quotidian work revolved. Meanwhile, the choice of metaphor also denoted the intimate role that this document had in their everyday practices.

It was not only the land law department that used the bible as a metaphor when speaking about the PLU. It was this term that the vice president in charge of the land-use plan mobilized (in the event that I described in Chapter 3) in a line of reasoning that depicted the PLU as a static and rule-imposing document, a part of a bureaucracy imbued with inertia, rigidity and constraints. The PLU – and by extension, the permit review process – was targeted in the quest to create more flexible planning procedures. Through the extended, comprehensive preparation procedure, by way of arranging legal procedures that shuffled permit decisions through long list of officials, politicians, applicants, judges and other documents, the land-use plan did foster a lengthy, tedious process. Permit review was a meticulously structured, constrained and legally strict practice. But while the depiction of the PLU as operating through a biblical literalness worked to promote the expectation that the land-use plan needed to be reformed in favor of less rigidity and more flexibility, it ignored the work that went into putting regulations to work. If such a depiction implied that the regulatory framework was read and implemented in a straightforward manner, the everyday uses of the same document in the land law department suggested that the actual work going into the translations was less direct.

The tendency of the PLU to be inscribed into a narrative of inertia and constraint resembles a dynamic that Federico Pérez found in urban planning in Bogotá when observing how officials, urban experts and lawyers in the private sector mobilize “strategic attempts at legal reification” (2016: 238). In a setting where non-public agencies exercise permit review based on building regulations prepared by officials and planners, different urban actors attempted to “underplay their maneuvers by treating legal instruments as autonomous artifacts with agentic qualities” (Pérez, 2016: 217), basically reifying the legal complexity of planning rules and regulations into a process operating of its own volition. However, by “revealing the operators and maneuvers that lie behind them,” Pérez shows that the “the artifactual agency of Bogotá’s legal landscapes and documents recedes in practice” (2016: 218). In Bordeaux, there was a narrative circulating that the PLU was too influential in its own right, thus requiring a revision that moved towards a looser document inviting more participation. This narrative evoked questions about what influence the PLU had in the course of permit review and what the work of permit reviewers entailed. In addressing such questions, I slightly alter the argument forcefully made by a growing body of literature by investigating how documents are “mediators that shape the significance of the signs inscribed on them and their relations with the objects they refer to” (Hull, 2012a: 253). I focus on inquiring into what extent the permit reviewers who do this line of work are mediators participating in shaping the ways through which the PLU becomes significant in order to examine the role that the document plays in permit decisions. The notion of regulating is evocative of the broader field of intentions and government tactics for controlling and coordinating space. Such tactics informed the activities attended to in this chapter, but my references to regulations here denote the building regulations manifested in the PLU.<sup>40</sup>

In this chapter, which builds on interviews with and participation in discussions among permit reviewers, I examine their work as an act of socio-material entanglements, by which I mean the interplay between documents and the permit reviewers’ practices. My interest in the interpretive labor of permit review springs from the repeated suggestion that this activity was part of their work. I approach the act of interpretation by drawing on how Latour (2010) conceptualizes the impossibility of having law “applied” based on his ethnographic work among judges and state officials in the institutions of administrative law in France. The enactment

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<sup>40</sup> Permit review work entails more regulations than those specified in the land-use plan, for instance, departmental maps on regulations on flooding and regulations relating to buildings open to the general public.

of a rule requires work to piece together texts with different hierarchical status, meaning that legal practice is “never concerned with *rules* but with more or less powerful *texts*, on which the dynamic of reasoning can or cannot rely” (Latour, 2010: 160). It is thus a “textual practice” that includes an interpretative labor (Latour, 2010) and not merely a cognitive process. Therefore, what I attend to as interpretations largely revolves around making sense of texts and graphical illustrations across different documents to build a solid case for their interrelation. The understanding of permit review as a textual practice is not dissimilar to the implications of context that is etymologically based on the Latin *contextere*, meaning “to weave together,” which is basically what the preparation of permit decisions entails as formulations and words from different documents are joined into a new set of relations.

In what follows, I outline the work the land law department performs in issuing permits and show how this was no straightforward implementation of the regulatory framework. The chapter focuses on permit reviewers’ practices with the PLU and unfolds in a period of transition from one regulatory framework to another. I begin by describing the procedures through which building permits were handled and the role of permit reviewers in these procedures. Second, I detail how permit reviewers attempted to make sense of diverse regulations in relation to particular permit proposals. Third, I focus on attempts to align interpretations which evolved into shared understandings of rules, referred to as ‘doctrines,’ to show that among the multiple alternatives that each rule held, similar meanings were accepted across the personnel in the land law department. Finally, I focus on the presence of hesitation in this line of work, showing that this is indicative of how permit reviewers navigated presumed boundaries with respect to the kind of work they performed and the ethos of a correct, objective permit handling process that they adhered to. Against the backdrop of the claim that the PLU was a coercive document, I emphasize that permit reviewers were not “intermediaries” neutrally catering to the application of rules within the bureaucratic structure but “mediators” shaping how land-use regulations were brought to bear on permit applications (Latour, 2005). However, the influence of the plan was not insignificant, since permit reviewers’ concerns for firmly anchoring the motivation for permit decisions in the formulations of the regulatory framework shaped, without determining, their interpretations.



Figure 16. The *Cité municipale* at the background with a dense arrangement of windows alongside the façades of limestone buildings in the foreground.

## Offices and documents of the land law department

The kind of work that I encountered when visiting the offices of permit reviewers was replete with a wide variety of queries and issues. It was also a line of work organized around certain structural features that were encountered throughout the stream of building permits, and I begin by outlining some of these. I most often met the permit reviewers in the Bordeaux land law department in their offices in the eight-story building *Cité municipale*, a building with facades of repetitive, rectangular windows from which the reviewers can look over the city. The building stood in the intersection between the area around Place Gambetta, which was built in the 18-19<sup>th</sup> century, and the Mériadeck area, which was built in the 1960s (see Figure 16). Whereas the former embodied the image of the city with its historical architecture, the latter stood as an example of the modernist endeavors of the 20<sup>th</sup> century as it was built on a raised concrete park with high-rises hosting apartments and public administration offices on top of a now-demolished working class neighborhood

(Gonzalez-Lafaysse, 2017). If the surrounding neighborhoods stood as testimony to the aesthetic ideals of previous centuries and decades, the recently constructed municipal building is a spatial evocation of the modernizing ideals that influence contemporary public administration, such as the reduction of public administrators and demands for more efficient public administration. The *Cité municipale* was constructed in 2014 to host the 900 municipal officials who were previously scattered across the city in one building with an entrance floor dedicated to the reception of residents for the provision of a variety of welfare services.

The main entrance, with its revolving doors, was used by most persons visiting the building: citizens, politicians, officials and other visitors, who would have to pass through the security checkpoint where an officer would check the bags of visitors. There were often people outside the entrance. Officials stood in groups smoking, waiting for colleagues to go for lunch, pausing when meeting a colleague to exchange a few words. Visitors gathered outside as well, sitting on the benches in front and waiting for cases to be handled. Occasionally, I overheard people talking on the phone about permit cases, about the red folders signaling a refusal that they had received, or their frustration with the information they received from the pre-reviewing service (*le service de pré-instruction*) of the land law department where prospective applicants could ask about building rights procedures. The pre-reviewing service occupied a couple of the booths (among which one hosted the revised PLU during the public consultation period) alongside the walls on the entrance floor where officials receive residents in a more closed-off setting. Permit reviewers also came here to receive residents, architects, developers and others with questions relating to building permits and other authorizations that the land law department issues. In what follows, I describe an episode from a meeting with one permit reviewer, Sarah, on the entrance floor, a meeting that would bring us to the permit reviewers' offices. Throughout this episode, I describe some generic aspects of how the land law department functioned around the steady arrival of new permits in order to outline basic features of this line of work before I move on to discuss its specifics.

When I arrived one morning, Sarah had just wrapped up a meeting with an applicant and suggested that we drop by to see her colleague in the adjacent booth where freshly arrived permit applications were received and registered. As we entered, the colleague was in the midst of arranging the day's harvest of applications and marking them with the alphanumeric combinations through which they were identified. Today she had registered quite a lot they agreed, as Sarah nodded to the pile with permits assigned to her. Once registered, permits were placed in cardboard folders. What I refer to as a permit application, which permit reviewers often referred to as a case file (*dossier*), includes – as a minimum – a twelve-page official form where

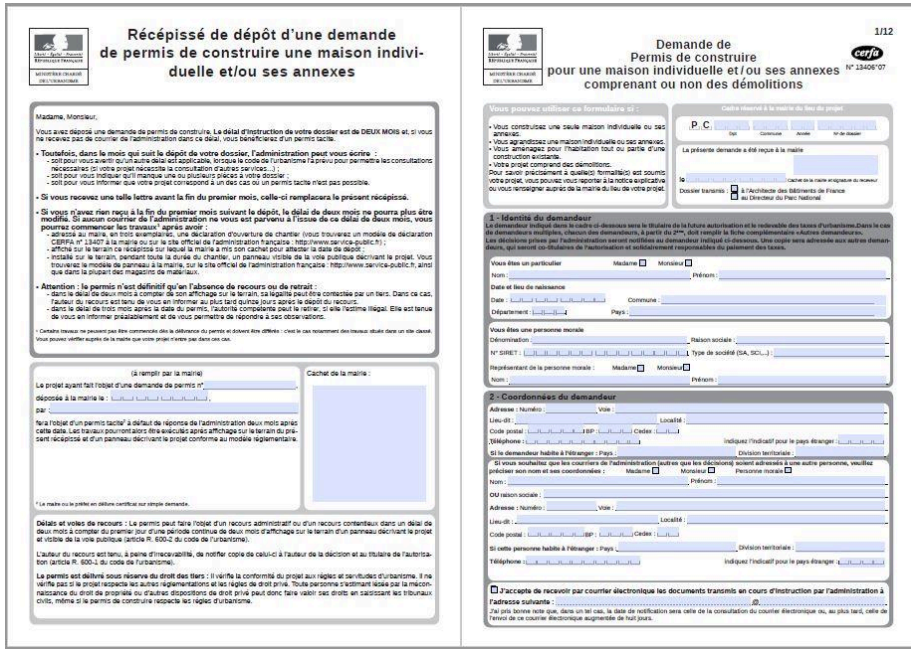


Figure 17. Print screen of pages from the form for permit applications. To the right, the front page of the form that applicants hand in to the municipality. To the left, the proof of receipt, including the alphanumeric identity of the application and the date of reception, that the municipality returns to the applicant.

the applicant provides details of the requested construction (see Figure 17), a range of printed copies with illustrations and measurements of the planned construction and the current condition of the site. Together, these documents can make up a robust amount of paperwork.

The pile destined for Sarah's office was too tall to take in one go, so she took half the pile and suggested that I take only as many as possible when I offered to help. Keen to be of service, I made a go at picking up the remaining ones. After bending over to grab them and halfway to standing upright, a bunch of folders slid and fell to the ground. I was struck by a slight sense of panic as I thought about the possible disorder I might have caused by messing up the efforts put into organizing the folders, since the different papers within each folder were organized to make sense in relation to each other. Sarah smiled at my clumsiness assuring me that there was nothing to worry about; it was because of incidents like these that they used elastic bands. The ten or so building permits with several kilograms of requests for

constructions and renovations that I dropped on the floor had not scattered so much that they could not be easily shoved back into their respective folders. What Latour notes about French law cases being “physically enveloped in a carton folder held together with elastic bands” (2010: 70-1) was clearly true for how building permit applications were organized in Bordeaux. Elastic bands were hanging in arrangements on every desk, indispensable tools that would be used to hold together sets of documents within folders. While the elastic bands stabilized and held together the material assemblage of a case, their use and the arrangement of folders in separate piles also signaled that the contents of the cases move around. Carrying as much as we could, Sarah and I moved through the entrance floor over to the elevators, through the low gate system operated by access control badges that I would pick up at each visit to the building in the reception in exchange for my id-card.

We moved up the elevator passing several floors where, among others, sub departments of the department of urban development were located including the planning unit. Soon after the construction of the *Cité municipale* was completed, municipal services were merged and the building also became a location for a number of metropolitan departments. The municipal land law departments that were transferred to the metropole administration were geographically clustered into four poles of municipalities to the south, west, east, and the fourth occupied solely with permits within Bordeaux municipality. The offices of the four poles were located in close proximity to the respective municipalities for which they issued permits, and so the land law department for Bordeaux moved to the *Cité municipale*. For the permit reviewers in that unit, where most of the people I met were located, the merge into an intercommunal department had little impact on their daily practice. They kept working with permits in the same administrative reach and with the same referent deputy mayors, though they were now employed as metropolitan officials rather than municipal officials. Arriving to the seventh floor, we walked through the lengthy corridor over to Sarah’s office. After having been in an older, less centrally located building, the land law department now found themselves with a premium view over the inner-city rooftops. Meanwhile, the journey of the metropolitan planning unit that had prepared the plan took the planners from the upper ninth floor of an adjacent metropole administration building into the *Cité municipale* a couple of floors below. In light of what Hull (2012b) notes about the implications that spatial arrangements have for social relations in bureaucratic spaces, I noted with curiosity that a rearrangement of office spaces was happening in parallel with a growing level of importance given to building permits as a strategic site for urban planning decisions. The purported bureaucratic epicenter of land-use planning – the entity

that confirmed the regulatory uniformity of permits – had been given the highest placement in the floor hierarchy of planning-related tasks.

As we dropped off the piles on a table in Sarah's office, she informed her colleague that there were some files in the stack for her as well. Her colleague and the secretary assisting on the archival and administrative tasks relating to the review process, looked up and commented on what they saw. Her colleague sighed, complaining about the arrival of new files when the one that she was currently working on was taking so much of her time and causing headaches. In what came across as an attempt to ease her burden, Sarah assured her colleague that among the files in the newly arrived pile, a couple of them were only applications for minor works that were expected to take up less working hours to finalize. From the moment that a permit is registered and the applicant has been notified about the date of registration, the countdown towards a deadline starts. Permit decisions must be announced within a given time period. This period, the *délai*, ranges between one to five months depending on the kind of permit and kind of construction to which it relates.<sup>41</sup> The most common permit types were those for minor works (*déclaration préalable, DP*), building permits (*permis de construire, PC*) and permits for modifications of existing structures (*permis modificatif*). If an applicant does not receive an answer regarding whether the application has been refused or approved before the specified permit processing deadline, with some exceptions, the permit is approved by default (what is called a *permis de construire tacite*).<sup>42</sup> There are ways to rectify an error if a deadline is missed by mistake, but it is a complicated process and a situation that permit reviewers were careful to avoid. The few occasions that they spoke of when they had to prepare a withdrawal of a default decision, for whatever reason, it appeared to evoke uncomfortable feelings close to embarrassment. It required contacting the applicant again, which was from what I could tell a thankless task often resulting in anger among applicants who had presumed the decision was settled.

When receiving a new permit, the reviewers generally started by confirming that all the required pieces had been received. If any piece was missing, they prepared a letter to inform applicants that the permit is incomplete and the given permit

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<sup>41</sup> The different lengths of these periods are regulated in article R 423-23 in the *Code de l'urbanisme*.

<sup>42</sup> According to article R 424-1 in the *Code de l'urbanisme*.

processing period pauses until the missing pieces arrive.<sup>43</sup> In comparison to planners involved in the plan preparation, who would generally work towards future-oriented horizons in addition to addressing the current concerns of politicians, the rhythm of a permit reviewer's work was largely defined by the presence of permit review deadlines that were always just around the corner. Several of the reviewers I spoke with shared the sentiment that the rhythm of their work, constantly chasing deadlines, was considerably stressful at times. One reviewer said that it was a reason she was searching for another position within the administration. Another commented that “we are always under pressure of the *délais* – we receive applications, write letters, give authorizations, so we don't have a lot of time to stop and reflect, we need to advance, and as soon as you've solved a problem, you have a new case...” The department received around 700-1000 (*PC*) permits and 2500 permits for minor works (*DP*) yearly, which amounts to around 60 *PC*s and 200 *DP*s per administrator per year. These numbers were confirmed by the head of the department, who noted that the amount was increasing with ongoing major construction works.

Most offices were furnished with lockable cupboards for storage of active permit applications. While permit reviewers had their own specific ways of organizing their files, most shared the habit of organizing separate piles of folders grouped according to the type of permit and their current stage of processing (see Figure 18). Time categories include those permits that were on pause due to the fact that they were incomplete, those that were ready to be signed (by the mayor or person delegated that task) and proposals in the project zones that were yet to be filed as permit applications. The color of the folder signaled what kind of permit it contained: yellow for building permits and blue for permits regarding minor works. Refused applications were often put in red folders which would distinguish them in their journey through the offices. Several permit reviewers used the category strategic permits (*stratégique*). These files were given special attention from councilors and often meant closer exchanges with the head of department and sometimes directly with the mayors during the review period. It was in this office setting, where permit

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<sup>43</sup> All correspondence about permits – filing, starting date, information about incomplete files, decisions, etc. – was handled through certified letters and post services. The national government has made a decision to “dematerialize” (*dématiser*) permit applications, and by 2022, all municipalities with a minimum of 3500 habitants must offer a digital service for filing and handling applications. This change was part of an ongoing ambition to modernize the public administration and simplify exchanges with it that included not only changing the content of the PLU, but also digitizing related processes. It related to ideas of reducing bureaucracy by reducing physical paper work and tedious procedures.



Figure 18. A locker with building permit applications arranged according to the stage they are in the review process.

applications arrived and reviewers pored through the pages, that the regulatory framework of the PLU was put to work.

## Interpretation as a textual practice

Before one of my first visits to the department, I had been reading up on what permit review entailed in preparation for interviews. I asked Perrine and her colleagues about what they found challenging when “applying” (*appliquer*) the regulations, a formulation I had picked up from official publications issued by municipalities and ministries detailing “the application of the regulatory framework” (*l’application du règlement*). They assured me that “the difficulty is not in reading the regulations, it’s using them,” and added that what they really have to do is “interpret (*interpréter*)” them. This interpretation entailed a consideration of the alternative ways to make sense of a rule in relation to the details of a permit requiring regulation. Consider, for instance, the following episode.

One morning, I joined Perrine and her colleague Caroline in one of the meeting rooms located at the end of a long, straight white corridor, adjacent to their offices. They were waiting for Josephine, who had recently started in the land law department, to arrive. They would go through a couple of her permits together to help her learn the routine. They had different educational backgrounds – urban planning, law, geography – while some served as administrators who had made career within public administration. There was no specific education for this occupation, which the head of the land law department said was reasonable since in any case “*urbanisme réglementaire* is something you learn by doing.” It is necessarily learnt by doing, I was told, since no permit is identical to another and each case presented new complexities and questions. Permit review implied to a significant extent interweaving sections of texts and graphical representations between documents to create connections, which was something that Caroline had many years of experience doing. When I asked when she had started working at the department, she cryptically referenced land-use plans as an indication of time, saying that “I’ve been around since the POS...,” which, judging from the fact that Perrine nodded in agreement, meant a great deal of time, at least since the early 2000s. Caroline’s experience came through in the speed of her gestures and speech – she was fast in navigating her way through the PLU and coming to a proposed interpretation without airing uncertainty about her proposition, all the while leaning backwards in the chair with an air of patience. Perrine had fewer years of experience and seemed more pensive and careful in choosing her words, but she appeared to be just as patient as Caroline with an

infinite capacity to handle the maze of alternatives and micro decisions that their work entailed. They appeared to be sources of support for other permit reviewers who would turn to them with questions, and their combined experience would become useful as they worked through their colleague's permit.

Josephine arrived with a stack of folders held close toward her chest and a bag on her shoulder that she laid on the table after exchanging cheek kisses to greet those of us already in the room. She introduced one of the applications by placing two copies on the table so that everyone could lean over and take a look. The proposed construction would hold a dental office. To figure out the implications of this, Josephine opened the printed copy of the written regulation for the zone that it was located in. This was early 2017 and the deadline for issuing a decision on the application was in April by when the revised PLU would be in force, so it was the regulatory framework of that plan that she brought up. She read from the first chapter under the heading 'purpose of constructions (*destination des constructions*),' to determine what category this construction belonged. The room fell silent on several occasions as we skimmed the pages of the permit application while Josephine studied them more carefully. The silence in the room was also magnified by the absence of any sounds entering the room from the outside, a room that was furnished with tables and chairs in a square where we sat in one of its corners. Soon, Josephine concluded that the construction should be classified as an office (*bureau*) since that purpose included paramedical professions (*professions paramédicales*). Caroline questioned that conclusion by asking if a dental practice really counts as a paramedical activity and not a medical activity. Depending on which it was, it would be classified as an office or as a "*spic*," she said, using the shortened version for public services or of public interest (*services publics ou d'intérêt collectif*). After several suggestions for why either interpretation was most likely valid without arriving at a satisfying answer, Caroline brought out her smartphone to search for the answer online and determined that dentists should be counted as a medical activity.

Having confirmed that it was a *spic*, Perrine followed up by asking how many dentists would be practicing in the clinic according to the permit application. If there is only one, perhaps it would count as an office after all? Josephine found that there appeared to be several dentists and, after rereading the categorization, confidently stated that it corresponded to the phrasing "group of health related professionals" that was included in the description of a *spic*. At that point, they appeared certain that the connections between the permit application and written regulations supported the categorization of the permit application as a *spic*, which Josephine asserts first followed by Perrine who agrees that "it's a *spic* to me as well." After declaring "that changes everything," they left it for Josephine to figure out what it meant and what

subsequent details needed to be sorted out. As she turned the pages to consult the regulations she needed to draw from, Caroline and Perrine leaned backward in their chairs waiting for Josephine to find the answer. I noted that the silence that fell over the room felt like less of a disturbance and more a part of the task at hand, and I used the moment to write down notes about the discussions that were rapid-fire and dense with information and references to details in the papers spread out on the table. Meanwhile, Josephine had jumped forward to the section with specifications on morphological rules. She suggested that “the construction can take up to a maximum of thirty percent of the plot.” Having intimate knowledge of the implications relating to different construction purposes, Caroline did not have to read before cautioning “don’t rush, look further, read everything, we are in a *spic*, look at the special cases.” The room fell silent again, with only the sound of rustling paper until Josephine exclaimed with surprise that “they can basically do what they want,” after having found that there were few restrictions on how much of the land plot could be constructed in cases of buildings categorized as a *spic*. “Yes, they can basically build anything; they’re only limited by the maximum allowed height, and the trees, luckily” Perrine assured, having noted that a couple of trees in the land plot were subject to protections. The addition of the word “luckily” hinted at the assessments they and their colleagues regularly shared between themselves when discussing permits. In this case, the concern was over the risk that they would have to approve a construction that took up the greater part of a plot at the expense of vegetation, a concern that was reassured due to a rule that imposed restrictions against stripping vegetation. While unable to influence which regulations apply, sharing their views on the proposals in permit applications was a subject they brought up when socializing, though the reviewers always tempered these views with references to regulations. As residents themselves, they also experienced the urban geography firsthand in their everyday life, and they reflected on how their work was linked to shaping this geography, suggesting that this was sometimes for the better and other times for the worse.

As they had settled the question of the constructible share of the land plot, Josephine kept moving between the written regulations of the PLU on the one hand and the permit application on the other to determine which rules were to be activated in relation to the specificities of the application. As their exchanges illustrate, the regulations were not straightforward tools just waiting to be applied. Only a limited number of rules were activated in relation to any single application, while other regulations were put on the shelf until they were activated in connection with other applications. Finding out what rules applied was no straightforward or self-evident task. It required interpretive labor, which was something the permit reviewers at the

land law department were responsible for carrying out. This labor entailed forming interpretations based on how different documents related to each other with the regulatory framework at the top of the document hierarchy that permits were to be aligned with.

### **Hesitations in bureaucratic work**

The discussions between Josephine, Perrine and Caroline were filled with attempts to establish connections between the regulations and the building permit applications. Rather than trying to figure out the exact meaning or nature of what constitutes a ‘medical office,’ they were trying to figure out how the particular medical office that the applicant proposed related to the categories of constructions provided for in the regulatory framework. The relationships between each kind of document were often a complex network, not necessarily fitting neatly into only one of the different categories offered. The permit reviewers’ job was to find clear links that would serve as grounds for the decision to categorize the medical office, for instance, as a *spic* since a whole set of particular rules then applied in contrast to if it would have been categorized as an office. As an activity falling under the umbrella of planning law, their work was oriented towards finding connections between the details provided in the permit applications and the regulations. They were concerned with establishing whether the proposed construction fit into the description of a *spic* rather than establishing what characterizes a dental practice in itself. It was about a relationship “of simple connectivity,” as Latour calls the “referencing” work that the application of law concerns (2010: 231). It is within the formulations in the respective documents that the character of the construction in question will be determined, not in relation to any other basis to make a judgement on what kind of construction it is. Within the work of establishing connections between texts, hesitations emerged.

Meetings similar to the one described above where the focus was on assisting a permit reviewer in her work were less common, but similar discussions about how to make sense of rules in relation to particular permit applications were more frequent. From what I could see, these meetings took place between colleagues who shared offices, when they went over to each other’s personal offices to inquire about uncertainties they had and over lunches in the canteen two floors down in the same building where they worked. To a certain extent, they were familiar with each other’s files so that Perrine, for example, could ask her colleague “you know the guy with the extension in Rue Judaïque” and then go through the specifics of a permit that she was unsure of how to handle. At other times, they went to each other’s offices

to question other colleagues who had experience with a similar issue and were expected to have knowledge they could use. Such was the case with a rule instituted in the revised PLU requiring that five percent of the built square meters of new constructions with at least two housing units had to be reserved for bicycle parking. I sat with Perrine in her office when her colleague dropped by who, as soon as she noticed that I was there, apologized for disturbing us. Perrine assured her that it was no trouble since “she’s an anthropologist, she wants to know what our work is like,” flashing a half-teasing smile in my direction. Nodding affirmatively, I felt a bit of relief that she seemed to be comfortable with the reason for my presence and that she was spreading the word among her colleagues, which I took as a sign that she had grasped what kind of interest I took in their work. Her colleague explained the difficulty she had encountered. The regulation specified that bicycle parking had to be placed under a roof and be “easily accessible from the public domain” as part of the local government’s policy to favor sustainable modes of transportation. The colleague was unsure of what had to be fulfilled for the space to be considered “easily accessible.” Was it acceptable if it had a few stairs or could it be located so that reaching the parking area required residents to pass through several doors? Perrine’s opinion that having several doors did not fit the description of “easily accessible” was somewhat reassuring to the colleague, but the ambiguity of the wording regarding accessibility – which can mean quite different things to different people – and what was required for conforming with the rule, remained unresolved.

The task of reviewing building permits revolved around recurring hesitations when judging the accuracy between regulations and specific details in applications. On several occasions that I sat down with permit reviewers who brought me through the steps of the review procedure, I was told that reading the PLU is not the hard part, it is applying it. The lack of simplicity in putting rules to use was coupled with an acknowledgment of hesitations as an inherent feature of their work. As one reviewer put it when we spoke of the constant confrontation with difficulties: “we question ourselves all the time, it’s our job, and every time – *fin*, I’ve been doing this for ten years and I always have projects where I’m like, *eh beb* I don’t know how to...” Just as Latour (2010: 193) observes that judges and civil servants in the French Supreme Court viewed hesitation over the meaning of law texts as indicating that they had adjudicated well and objectively, hesitations were an important aspect of permit reviewers’ work. Hesitating while working through questions about how to interpret a specific rule and its connection to the details of a specific application was integral to the review process. It meant that one was continuously confronted with alternative paths to secure stable links between documents, and it seemed that these moments of confrontation were imbued with a certain degree of hesitation, even for

the most experienced reviewers. Moments of hesitation were indicative that the PLU was being applied through a process of interpretive labor, rather than operating as an agentive document in its own right for which the actions of permit reviewers were insignificant. Each time that the plan was brought to bear on a permit, it did so through the mediating actions of permit reviewers who attempted to ensure that the plan was implemented through the stability of links between the regulations in the PLU on the one hand and the proposals in a permit application on the other.

## **Aligning interpretations**

The presence of hesitations appeared to be amplified during the period that I visited the land law department, as it coincided with a transition away from a former regulatory framework that, with a couple of modifications, had been a point of reference for about a decade. Not only was the constant influx of new permit applications provoking feelings of doubt in how the particular details of a permit were connected to the regulations at hand. The introduction of the revised PLU meant that a new set of regulations and formulations were introduced that permit reviewers needed to learn, question the implications of and become accustomed to, all while receiving new applications with their own particularities.

The transition from one plan to another was distinctly manifested in the work of the land law department in events occurring over a couple of weeks in early 2017. Since the plan was ratified in the metropole council in December the year before, permits registered with a final decision date after February 24 – the date that the revised plan became applicable and the former obsolete – were to be reviewed in accordance with the revised plan so that the date of the decision corresponded to the PLU that would be in force. During the weeks between December and late February, the worn out booklets of the soon-to-be-obsolete regulations and the freshly printed copies of the soon-to-become-official valid regulations were both close at hand when permit reviewers continued to receive new permits. Those weeks also entailed logistical work for officials in charge of the infrastructure that permit review relied on: printing out zone regulations from the new framework and replacing the former zoning maps and regulations in the geographical information system software. One Tuesday morning during this transitional period, I visited Alexandre who had a background in geography and had worked in the land law department for a couple of years. I sat down opposite him on the longer side of the L-shaped desk that was standard in every office I visited. He commented on the lack of space on his desk as I brought up my notebook, and he assured me that I could

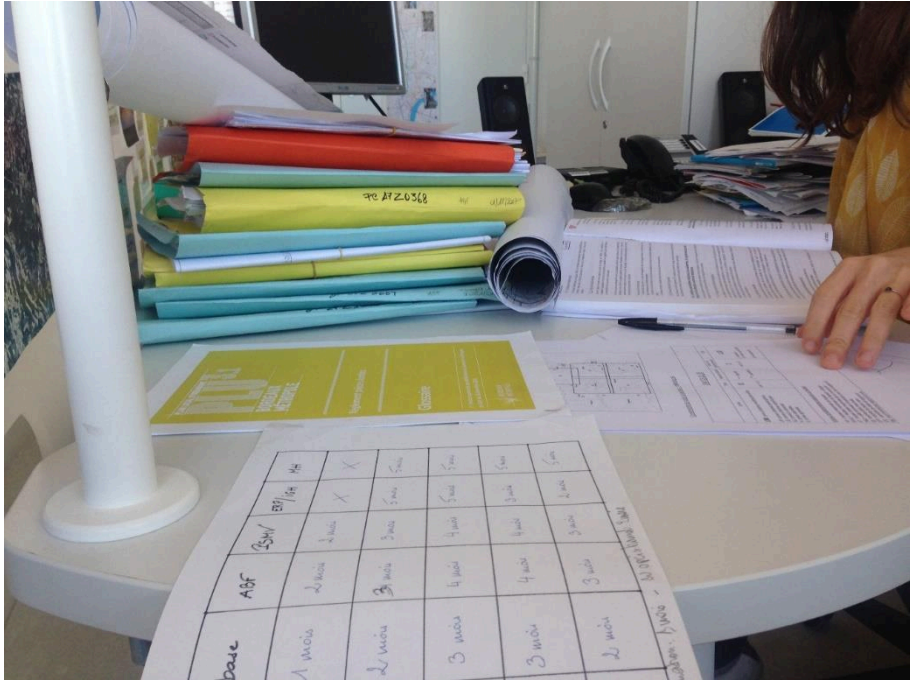


Figure 19. The desk of a permit reviewer with a pile of permits in the colored folders, the booklets with regulations and other documents.

just put it down on top of the documents laid out in front of me. A desktop computer, a telephone, piled folders with permits, stitched booklets with regulations, forms filled in by permit applicants, the A3 leaflets prepared by architects that detail construction proposals and other documents were arranged across the desk, much the same as many other desks I saw (see Figure 19). Alexander reviewed a permit under the upcoming PLU and attempted to show me how to navigate the software to find the particular land plot that the application referred to when an error occurred. He cursed under his breath, recalled that the currently valid plan was still on the software until the upcoming Friday, three days later, and shared that “it’s a bit particular, it doesn’t work today because we are in the midst of a transition.” We continued talking about what being in a transition period meant, and he suggested that it had implications for the interpretive dimension of permit review:

A rule can be interpreted in different ways – that’s why it is complicated in the beginning [of a revised plan]... We make a doctrine between ourselves, so to say. That

is, we say that this sentence can be understood as black or white, but we will settle on that it is white, and everyone will say that it is white. It could also be black, but it's just that we all have to agree and apply it the same way for all projects.

He explained how they had to align interpretations of a rule among themselves so that it was used similarly across the different permits. During this transition period, permit reviewers from the four different poles also came together in a sequence of scheduled meetings referred to as “trainings (*formations*)” with the aim of ensuring precisely that interpretations were aligned not only within but also across the departments that dealt with applications in the different municipalities. From what I understood, the attempt to align interpretations across departments was partly motivated by an idea to support the coherent processing of permits across the metropolitanized land law departments.

In the meeting that I attended, Perrine and Caroline received two colleagues from another department. The colleagues came with permit applications, and Perrine and Caroline came with their knowledge and experience and no applications. The arrangement signaled that the way the land law department in Bordeaux processed cases, the department both of them had worked in for many years, stood as an example of what other departments should be modeled after. However, the exchanges were colored by curiosity regarding each other's practices, with conversations including questions about the routines, councilors' priorities and expectations that inform the everyday work in the respective department. Perrine and I arrived to the meeting room first. As we waited for the others to arrive, she explained that the idea behind the meeting was to create a “shared doctrine,” which was challenging because “there are different interpretations.” Soon, Caroline arrived and chimed in laconically that soon after starting to work with a new plan, you forget the previous one – “you get used to it.” Others shared that the arrival of the revised PLU was a bit challenging because the organization of the regulatory framework had changed. From an arrangement of thirteen separate articles containing a number of rules applicable to all zones with separate chapters detailing additional rules for specific zones, the revised regulatory framework was organized so that each zone had its own document specifying all rules applicable within it. Among plan makers, this reorganization was intended to create a more intuitive approach and was part of the ambition to make the framework “contextualized” as it meant that each zone had its own regulatory piece. The primary perception among permit reviewers was that it appeared to require a modified approach to locate the rules applicable for each zone. Previously, the administrative service had compiled a printed booklet of all the most commonly used zone regulations in Bordeaux. However, they were now using

separate stitched printouts that were repeatedly lost among the paper piles. Therefore, a “contextualized” regulatory framework thus far meant a more fragmented paper infrastructure until a new booklet was prepared with the collection of regulations.

Josephine and Jean from the other land law department arrived soon after. After the customary cheek-kisses, versions of the question *comment ça va?* and updates about the recent news from the administration they shared as an employer, they proceeded to discuss the first permit. It related to the development of a private house with a garage, and the question of what requirements must be respected for the garage entrance was the topic of discussion. The regulation posited that entrances had to be raised by fifteen centimeters from the ground according to a rule that read: “the dimensions of the first floor of new constructions must be superior to 15 cm relative to the ground level at the entrance door location.” Perrine shared that she had encountered difficulties with this rule in a previous application review where the applicant wanted to construct an underground garage and the elevated step caused problems for entry. She had taken the question further to the head of department, and after it had been run by other officials, it was determined that the location of the elevated portion was flexible. Jean noted that it sounded like a reasonable interpretation but suggested that they should also talk to the Water department before establishing a “doctrine” to ensure that the motivation for the rule – to reduce the risk of flooding – would be respected with different placements of the elevated point.

Hesitation about how to interpret this rule came up in a conversation that I had with Alexandre. When I asked about the difficulties he encountered with the revised regulations, he asked if I had heard about the rule requiring an elevated point of 15 centimeters. When I confirmed that I had encountered this rule on a previous occasion, he explained how the formulation “at the location of the entrance doors (*au droit des portes d'accès*)” made it difficult to comply with the rule and it conflicted with accessibility requirements that new constructions were subject to. He raised concerns about how to implement the rule based on what was suggested by the wording about the elevated point being at the entrance location but noted that accepting other locations for the elevated point would stand in conflict with the requirements that permit decisions are grounded in the formulations of the regulatory framework. The issue was how to respect the specifics of the formulation in the regulatory framework while translating it to permit proposals. By the time of our meeting, the solution to where the elevated point should be placed was yet to become settled in a shared approach. Eventually, however, it would become incorporated into a doctrine.

## Elaborating a shared doctrine

When I met with the permit reviewers again a couple of months later, hesitations over how to interpret the formulation about the placement of the elevated point had been replaced with an agreement that the elevated point could be placed at the entrance or in a straight line in front of the entrance. When I asked permit reviewers about what had happened with the rule since my last visit, it evoked little interest. The response was something of a nonchalant statement about what the rule meant, namely that somewhere in relation to entrances, there had to be an elevated point. Since the moments of discussion and hesitation I had encountered a few months earlier, a “doctrine (*doctrine*)” – the word that permit reviewers repeatedly used to talk about accepted aligned rule interpretations – had been established. They had developed a shared understanding of the rule that was used at occasion it was actualized, instead of asking questions about the alternative ways it could be understood. The development of a doctrine did not mean that application of the rule was without its complications. A metropolitan lawyer who worked with permits characterized the rule about an elevated point as legally challenging. He suggested that the rule formulation imposed a requirement that the elevation had to be measured based on the height of the sidewalk, but that they had yet to find a formulation that reconciled the objective to ensure a safety measure against flooding with requirements for accessibility and underground garages. “In reality, what happens is that the permit reviewers turn a blind eye to things that do not perfectly conform to the [PLU], because at the same time, the projects need to get through,” he said, indicating that conformity with a single rule cannot jeopardize the realization of entire construction projects. With this sentiment, the shared approach was to allow divergences from the meaning the rule had initially been understood to have and instead agree upon ways it could be used to favor the approval of permits. A doctrine could thus mean that the use of a rule developed into a praxis differing from the immediate meaning that it was assumed to have based on its formulation. Eventually, queries about rule formulations that appeared irresolvable within the land law department were brought to the planning unit lawyer in a process that resembled an attempt to determine the implications of the rule by reestablishing its original intentions as formulated by the plan makers.

The need to establish shared interpretations across the land law department had been addressed in formalized settings prior to the shift of plans. During the period the previous PLU was in force, the land law department participated in a network gathering planners from the planning unit and the urban planning agency who had participated in the plan-making process. The network functioned as a meeting place

for planners to learn about difficulties that permit reviewers encountered and for permit reviewers in turn to learn about the intentions that planners had with regard to specific rule formulations. These exchanges could lead to changes in rule formulations in subsequent plan modifications. Moreover, some of them had occasionally participated in meetings about the preparation of the revised regulation, sharing their perspectives on how well the rules functioned. The network was dissolved during the plan shift and was instead reworked into monthly meetings between the planning unit, which consisted of one metropolitan lawyer, and a few permit reviewers from the four land law departments. Agency planners were no longer invited to these meetings, to their discontent. This seemed to go along with the broader tendency in the metropole to gradually accommodate the entirety of the plan-making process and updating procedures internally and with much less assistance from the urban planning agency that was so influential up to this point. The permit reviewer Caroline consistently participated and described how these meetings worked: everyone would “bring their issue for interpretation (*sujet d’interprétation*) from the PLU” for a “shared reflection on how the rule is written, the difficulty in applying it and sometimes how we should interpret the rule.” They then attempted to “compile the information into a format that can serve as a doctrine in the application of certain rules.” The work of establishing doctrines happened in several ways through discussions among colleagues who shared experiences and assisted each other and through a more organized setting in meetings where planners also participated. The establishment of doctrines again actualizes the bible metaphor. Just as religious scripts may evoke doctrines shared by a group of believers as the correct reading of the script, a doctrinal reading of what specific formulations were implied in the regulatory framework evolved through social interactions between permit reviewers and other relevant public officials.

Latour writes that law makers in the French Supreme Court were concerned with classifying the meaning of terms through the existing law formulations, and they were “clearly refusing to enter into questions of ‘doctrine’” (2010: 16) which referred to reasoning belonging to the law practitioners outside the court. While the term “doctrine” as used in the French Supreme Court according to Latour pertained to classificatory work among people other than lawmakers, the same notion was used among permit reviewers and planners to denote the necessary establishment of shared understandings and ways of interpreting building rules. Permit review, as it related to the legal framework that permit reviewers were tasked with administering (not making), was built on the legal-administrative foundation of planning law with the PLU as the definer of regulations restricting the rights of third parties and the actions of local government (Booth, 2005). A reading of the review process from

this angle emphasizes its legal-technical dimensions. Meanwhile, the attempts to align and tweak interpretations based on intentions invested in rules indicated that this line of work was not merely about cross-referencing between documents.

Meetings between permit reviewers and planners included discussions where the latter shared the desired outcomes they had in mind when writing the rules. These exchanges suggest that there was also a degree of qualifying work involved, since the meetings tended to be about what the rules were meant to address and achieve with respect to urban development. The meaning that doctrine was given in the domain of law making (Latour, 2010) thus differed from what it meant in permit review. More than a measure meant to hinder and sanction, the building rules were to steer and coordinate urban development in particular directions towards desired outcomes. While the alignment of interpretations was a means to assure coherent interpretations across officials in the land law department, it also included attempts to ensure that particular interpretations were established. It could, for instance, be about a shifting interpretation of the wording “at the entrance location” initially taken to mean at the exact location of the doorstep, and eventually taken to mean horizontally aligned with the doorstep. This shifting interpretation was, as permit reviewers assured, still consistent with the intended purpose of the rule: to create an elevated point to prevent the flooding of buildings. However, the altered interpretation came as the result of a rule that was difficult to enforce in relation to building proposals. To make it usable, the land law department teamed up with the planning unit to elaborate a shift in the meaning to make it easier to apply, all the while seeking to respect the intention behind the rule, its “quality.” Nevertheless, it was not through the intentions spelled out by planners that permit reviewers justified permit decisions. Decisions were justified based on the formulations in the PLU. Reviewing permits is in this way, to use the expression proposed by Cooren (2010), a form of “ventriloquism,” since the motivation for a decision must speak through the formulations provided in the land-use plan in its capacity as the bearer of rules to limit building rights.

The land law department placed importance on the establishment of doctrines as a necessary activity to assure the continuous treatment of permits in a coherent way. The work of establishing doctrines relied on exchanges between permit reviewers and to some extent plan makers, since formulations in the PLU opened the door for diverse interpretations between different permit reviewers and in relation to different permits. The work going into the establishment of doctrines to ensure that permits were treated similarly and coherently is suggestive of how any appearance of a unified and ordered bureaucracy is the result of practices and activities that through repetition produce the effect of coherence (Cooren, 2010). In

other words, when they shared the same interpretation of a rule, it was not due to inherent meanings invested in the plan that were merely transmitted further. It was the result of recurrent hesitations, iterations around possible interpretations and subsequent alignments of ways to make use of a specific rule.

## Navigating plan boundaries

While permit reviewers readily suggested that there were interpretative dimensions in their work, they sometimes spoke about those dimensions hesitantly, which was evocative of the supposed boundaries that they had to navigate. These boundaries partly related to the division of labor between the planners on the one hand, who performed the preparation of the plan and the permit reviewers on the other hand, who were entrusted with the application of the plan. As I went back to my interview transcriptions and field notes, I noticed how permit reviewers occasionally hesitated when choosing their words and searched for the proper terms that evoked suitable associations to what their work entailed.

Consider, for instance, the following example from my first conversation with a permit reviewer. She described the possibility of consulting with other departments about certain conditions in a variety of land plots and gave examples of occasions when she went to see the transport department: “it has happened several times that I have questioned the way that [the applicant] placed entrances that I didn’t like, *fin*... I thought that it could potentially cause accidents or create a disturbance.” *Fin* here is the colloquial version of *enfin*, which was used as a filler word similar to the English ‘well.’ In this specific example, it appeared to function as a transition, where the first part of the sentence was questioned and the continuation was formulated as an attempt to clarify the intended meaning. Appealing to assessments based on personal opinion was, in the permit reviewer’s estimation, less appropriate and she instead turned to words that appealed to issues of broader relevance, such as accidents. Another example of similar hesitations came later in the same conversation, when she explained how she found her work “fascinating, because projects are never identical, the questions relate to the same rule but they are never fully the same because they adapt to the project. But the interpretation of the rule – we are not interpreting, *fin* we’re not interpreting...” Just like Perrine and her colleagues assured me that reviewing applications against the rules called for interpretation, this permit reviewer acknowledged that it was part of their work but searched for a way to describe this kind of practice as maintaining respect for the absolute meaning of a rule. It was about what implications that interpretation had

for their handling of rules. She continued to explain how, while interpreting, “we’re staying in the absolute of the rule (*dans le pur de la règle*).” What is significant here is her attempt to avoid terminology charged with implications of subjective readings. It echoes the norms about the ideal bureaucrat as dispassionate and neutral that have been traced to Weber, and that Hoag (2011) suggests remains valid in diverse bureaucratic settings. Whilst that remains an ideal, ethnographies of bureaucracies have shed light on how bureaucrats navigate compassion and emotions spurred by encounters with persons subject to the state policies they administer (see, e.g. Graham, 2002; Hoag, 2010; Vohnsen, 2017). Compassion was also present in the land law department, for instance through the way several permit reviewers described how challenging it could be to turn down applicants whose struggles they became familiar with when processing their applications. As Perrine noted: homes are something intimately connected to peoples’ lives. At the same time, there were other occasions when they expressed dislike towards applicants, for instance, those who complained about how the procedures unfolded, which permit reviewers felt complicated their work.

Permit reviewers kept subjective dimensions at bay by applying a line of reasoning that recalled the division of labor for making the rules (which implied having intentions with them) and applying the rules (which in turn implied establishing connections between the rules and specific permits). They often slipped out comments that subtly indicated whether they personally approved of the proposed constructions and questioned the result that they imagined would follow from the application of a rule in terms of the completed building. When such appreciations were aired, colleagues soon noted that having opinions was not part of their job. Although discrepancies between their appreciations and the effect of rules caused unease, they were not allowed to give this feeling too much attention. Rather, the version of bureaucratic practices that are guided by rationality and legal technicality stood as a model, where neutrality and reduction of interpretation were guiding values. This occurred in the discussion about the construction of the dental clinic, when Josephine questioned the consequences that followed when the planned use of the building led to it being categorized as a *spic* in service of a public interest, since it removed any limitation to the volume of the construction. Caroline, revealing her status among other reviewers as the most experienced, leaned back and avoided participation while the others continued to discuss to what extent it was suitable for the regulations on volume and proximity to neighboring land plots to be almost absent due to the classification of the construction. When Caroline recalled the division of labor around the PLU by noting that “well, it is not us making the rules...,” the discussion ended, and they continued confirming conformity with the

new set of rules that it activated. Another example was when Alexandre who, while walking me through a permit, arrived at a section in the regulatory framework that he found unnecessarily complicated and commented that “I don’t see the point [of that calculation], but anyways, I didn’t write the rules.” In the private conversations among colleagues, they would air concerns that they concealed in other settings. For instance, permit reviewers seemed to not share their hesitations over rule interpretations in encounters with applicants. The expression of personal disagreement and the questionings of a rule can be understood as a tactic of manifesting how they carry out their work according to the legal-technical ideal that binary constructions of bureaucratic practices, such as objective-subjective, rely on.

In municipal and ministerial official documents, permit review was often described as a practice consisting of transferring written building regulations to specific permits, a process similar to what Lucy Suchman (2000) notes about technical systems to be commonly perceived as produced by one group of makers and ‘received’ by a group of users. She questions the accuracy of such divisions along the lines of makers and users that rely on separations of “knowledge” as work where interpretation and judgement are central features and “routine” where the mundane and practical dimensions are put to the fore and the interpretive is pushed to the background (Suchman, 2000: 30). There are many differences between the work involved in making the plan and applying it to prepare permit decisions. However, the differences appeared to lie less in the absence of interpretive dimensions among the permit reviewers whose work was replete with moments of trying to make sense of diverse formulations and make them effective in relation to permits. Moreover, the exchanges between planners and permit reviewers blurred any absolute separations. The plan was, in practice, continuously being made throughout the vast number of occasions it was put to use in relation to diverse permits, in which it acquired new meanings. Nevertheless, presumed boundaries between plan makers and plan users were something that permit reviewers related to through the ways they talked about their work. There were also other presumed boundaries related to the functioning of bureaucracies that they navigated.

### **Eschewing the informal**

The list of binaries may include formal-informal, which was a dichotomy that I struggled to avoid getting stuck in when trying to make sense of diverse practices that diverged from the formal depictions of local urban planning. It was also a dualism that permit reviewers navigated, for instance, in relation to spatial boundaries

between the spaces of their offices in the *Cité municipale* and other settings. This became apparent when I went for a drink with Laura, a permit reviewer in her 30s, who had passed the competitive exam to become a state employee and had worked in the land law department for a couple of years. We met up with her partner who asked what had brought me to Bordeaux. I briefly described my research interest and its focus on the revised land-use plan. Her partner reacted with both skepticism towards the object of my focus and interest in why I chose it: “the PLU is incomprehensible, it is such a typical administrative thing, it doesn’t make sense to anyone,” and added “not even to you right?” turned toward Laura. While his reaction wasn’t very extraordinary in itself – residents that I spoke to who had encountered the PLU expressed a similar view of it as a bureaucratic maze – it came across as insensitive to Laura’s work which ultimately revolved around this land-use plan. Laura however did not seem particularly bothered or surprised, rather determined to avoid engaging in a discussion that would add her view on the matter. I held back a desire to defend her work when I realized how I fell too closely into associating descriptions of the plan itself with assumptions about the people working with it.

We met again for dinner a couple of months later. After going through other matters, Laura’s partner asked me how my work was going and what I had encountered of interest. I carefully suggested that I had found a lot of interesting things that appeared to be taking place within the realm of permit review that, according to formal descriptions of those processes, ought not to happen. He asked for more details, and I threw a look at Laura who responded with what I took as a sign inviting me to continue. I gave an example of how deputy mayors, from what I could see, participated in discussions with applicants about the contents of permit proposals in ways that contrasted with the formally espoused model according to which permits were to be judged based on conformity with the PLU. Choosing my words carefully in an attempt to avoid charging my description with values, I looked at Laura again, inviting her to comment on my observations. She said “yes, that happens a lot,” and from there our conversation continued around the example that I gave and other situations that were happening in her workplace in a way that seemed they rarely talked about. Our conversation became an occasion to talk about dimensions of her work relating to the sociality among colleagues, which included recognition of practices that would oftentimes be excluded from descriptions of her work that she provided to outsiders even, as it seemed, in the intimacy of private relationships.

Boundaries between the formal functioning and informal or ‘internal’ functioning of the planning bureaucracy took specific forms in the document infrastructure of permits. When I joined Perrine in her office one morning, she asked

me what I wanted to learn about today and I proposed that we go through what she would normally do if I was not there, which was the preparation of a permit modification. Permit modifications were required when a construction turned out to differ from the approved permit due to, for instance, the physical characteristics of a terrain requiring slight modifications in the construction plan, as was the case with the permit she was preparing. The building was in Bassins à flot, an area that was subject to the risk of flooding, and the ground floor of the building needed to be elevated more than what was first planned. In this major construction project, the regulations had taken shape in a more flexible register where the agency in charge of the design of the area, the developers and the city administration met in regular workshops (*ateliers*) to negotiate building rules. With the decree form on the computer screen in front of us, Perrine explained that she was preparing a “conditional approval (*arrêté favorable avec/sous réserve*).” The conditions were set by the architectural firm responsible for the area design, which was in favor of the modification under the condition that the changes to the windows and entrance doors were specified and conformed to the agreements made in the workshops. Perrine explained that in the decree, “you target the initial building permit, or the one from before, if there have already been other modifications you target those files, then the *Code de l’urbanisme* and the PLU.” References to previous stipulations were placed above the area where the mayor was to sign.

However, the notice from the architectural agency was such that it could not be placed among the other stipulations since it was not in the PLU: “you know the notices from [the architectural firm] it’s more internal, *fin* internal... it’s [relating to] the functioning in Bordeaux. I cannot put the small paragraph before the signature, I put it below,” she explained. The paragraph placed below the signature meant that “it’s still to be respected, but it’s less restrictive” and that “it is not opposa...[ble], *fin*, in the functioning, it’s negotiated, *fin* everybody plays along with the game you know, to go to the *atelier* but it’s not a reason for a refusal.” She searched for ways to explain why the notice from the architectural firm was not the same format as those placed above the signature. Her hesitation drew attention to the boundary work of what falls under the umbrella of the formal, legal domain of land-use rights and what fell under the specific local ways of working. Only the regulatory framework of the PLU, the *Code de l’urbanisme* and other specific instances were legal foundations as grounds for decisions. The rules formed in negotiations between actors in a project required elaborations of different ways to fill out the decree. These rules related to the internal, in a sense informal, function of the administration and the separation between these kinds of rules and the regulatory framework was enacted through their

placement in relation to the official distinction of legal procedures that the mayor's signature highlighted.

"Bureaucracies, as objectivity machines, compel us toward a dialectics of binaries: policy-practice, objective-subjective, etc.," Hoag (2011: 87) writes about the effects that bureaucratic fieldsites may have on the researcher. The way that permit reviewers talked about their work suggested that they felt compelled to live up to binary models of bureaucratic work, although they also oscillated between sharing the less formal dimensions of it. Their revisions of descriptions ran alongside separations that differed between interpretation, subjective appreciation and local, internal functioning of the planning bureaucracy on the one hand, and application, rule referencing and the formal functioning of planning procedures on the other. Although keen to discuss different aspects of their work, there was a tendency to adhere to a language formed around their work as firmly situated in between the textual specificities of regulations and permit applications. Without giving the PLU the agentive capacity that it was ascribed in public discourses by local politicians, permit reviewers remained attentive to the legal implications of the document and its presumed role in preventing arbitrary decisions on limitations to building rights.

## Discussion

This chapter set out to examine what the work of permit reviewing entailed and the ways in which the land-use plan was influential. Permit review was, I have stressed, an inherently interpretive practice. It unfolded through socio-material entanglements, as the plan was put to work through an interplay between the permit reviewers, who engaged in interpretations and referencing between relevant documents, and the regulatory framework, which was the central node for establishing references supporting permit decisions. What Mathews notes about the importance of street-level bureaucratic practices for the performance of bureaucracy holds true for the review experience: "[n]o rule or regulation contains sufficient information to explain all the ways in which it can be applied, and the contexts of application inevitably depend on relatively lowly officials" (2011: 238). For permit reviewers, the range of possible applications was manifested each time an application contained propositions that called into question how to make sense of a particular regulation. To deal with the range of possible applications and to ensure similar interpretations across land law departments, they elaborated shared doctrines that functioned as a source of common understanding. Within the process of merging municipal land law departments, the attempt to establish doctrines around rule

interpretations also played into the objective of elaborating a shared metropolitan approach within the changing arrangements between municipalities.

Nevertheless, the establishment of shared understandings of certain rules did not exhaust the necessity for continuous interpretations. Several permit reviewers highlighted the fact that the introduction of new rules meant that they needed to reexamine how they used the document and interpreted specific rules and needed to develop ways to establish collective understandings. At the same time, it did not change the fundamental aspects of their work: to read the proposed land modifications of building permits through the formulations in the regulatory framework of the PLU and prepare decisions with explanations as to why the applications comply with the PLU or why they do not. The arrival of a revised regulatory framework meant a continuation of the current ways of working in the land law department at the same time as it introduced changes, some among which I address more in the following chapter.

When I met with officials in the land law department during the period following approval of the revised plan, it appeared that rather than leading to more room for interpretation *per se*, the modified rule formulations resulted in increased efforts to establish shared understandings of the objectives behind specific rules. Although recent legislation had introduced alternatives to the traditional, more restrictive zoning formats of the PLU, it was still formulated to ensure the fair adjudication of permits, working to exclude uncertainty and interest-based biased unrelated to the considerations underpinning the plan itself. That was the broader, bureaucratic ideal through which permit reviewers' practices were formally legitimized. Translating the bible analogy to the realm of bureaucracy: given the legal bearing of the PLU, it was, paraphrasing Cooren (2010), by "speaking through the plan," that permit decisions gained legitimacy. These decisions had to be grounded in the script that was unspoken without permit reviewers preparing its utterances. It was in relation to formulations in the regulatory framework that permit reviewers elaborated their interpretations, which made the plan influential, to a certain degree, without determining the course of permit procedures.

By exploring the practices around permit review in this chapter, I have complemented the view of the PLU as a rigid and static planning instrument that was present in Bordeaux (see Chapter 3). The rhetoric around the land-use plan depicted the older version of the PLU as a hindrance to qualitative urban development and motivated demands for a revised, looser plan more open to interpretation. While the plan as a legal-technical object manifestly guided the review of building permits, this work took place through a form of interpretive labor among permit reviewers. The insights into their practices confirm what Weszkalnys notes

about that “plans never straightforwardly translate into built realities” (2010: 22). Similar to the tendencies of reification found by Perez (2016) in Bogotá that were meant to downplay and conceal the manipulative work carried out by different actors through documents, the interpretative labor inherent in the operation of the Bordelais PLU was underestimated in depictions of the plan among local politicians. The underestimation of the labor required to make it effective played into the narrative that the PLU as a planning instrument operated with considerable influence in its own right, and therefor needed to become more flexible. Indeed, the regulatory framework firmly guided and conditioned the evaluation of permit applications. Nevertheless, descriptions of the plan as a rigid document that statically imposed its rules stood in contrast to its day-to-day operation in the land law department. Together with the concerns among local politicians over securing influence over permit decisions that I detailed in Chapter 4, this contrast suggests that there might be more to the stakes invested in the idea of a looser plan than the practices in the land law department. In the next chapter, I turn to investigate other episodes of permit review involving permit reviewers, metropolitan officials, mayors, lawyers and applicants. These episodes indicate that the revised plan played a role in reconfiguring relationships across the actors involved in the course of application and permit decisions.

## 6. Fragile Authority

Around the time that the revised land-use plan was approved, I met with the head of the land law department, Damien, in his office. Though he was an experienced official, he was in a position that would encounter a number of novel situations with the advent of the revised PLU. Previously serving on the plan making side of urban planning, he recently started as head of a department reorganized into the metropole administration, whose staff was in a transition period and getting used to the new land-use plan. He pointed out that the revised land-use plan itself introduced novelties in terms of the kinds of regulations it contained:

We have a PLU that is quite pioneering (*novateur*) in terms of the regulations and the approach that, indeed, it will privilege negotiations. It will basically privilege what we are already doing, that is, we should have all the discussions that we can beforehand [of the permit review]. So, hopefully we won't arrive at blocked situations, that everybody plays the game (*joue le jeu*).

While it brought with it new sets of rules, the revised PLU was also prepared to accommodate certain existing practices in the form of pre-application review (*pré-instruction*), as indicated by Damien. For about a decade, the municipality of Bordeaux had a committee dedicated to the pre-review process that would eventually fall under the metropolitan level, called the CMAP (*commission métropolitaine des avant-projets*). The committee received prospective applicants to discuss their project drafts before they became formal permits.<sup>44</sup> Pre-application review happened “before the permit, so besides the [formal] review procedure, but it's still very, very connected,” Damien pointed out and noted that the novel plan would also require changes for permit reviewers who were now faced with a plan that “privileges negotiations.” The committee operated in that sense separate from the set of legal-technical procedures that the public administration had to comply with and thus functioned through a different set of rules, which made it necessary for every actor involved, as Damien suggested, to play along with the “game.”

This chapter, which builds on observations from committee meetings and interviews with officials, permit reviewers and architects, looks at how the supposed contextualized quality of the revised land-use plan played out in different pre-application reviews and review procedures for permit applications. More specifically,

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<sup>44</sup> This procedure was not unique to Bordeaux. Different forms of pre-application discussions were established in several French municipalities, the agency planners signaled.

it looks at how authority was exercised in different ways over the course of the permit process. Authority is a crucial concern for any government bureaucracy, and “through the lens of its daily practice, this authority is best understood not as an objective achievement, but rather as an ongoing process,” as Ilana Feldman (2008: 14-5) points out. This captures how I analyze the practices of pre-application review and permit review, which relied not only on the regulatory framework but also the rules formed within the exercise of local urban planning and politics. These rules resembled what F.G. Bailey (1969) suggested in his study of rules across different political systems: “politics has its public face (normative rules) and its private wisdom (pragmatic rules),” where the latter kinds are more about the “tactics and manoeuvres” deployed to achieve the desired outcomes (1969: 5). The rules that were at play in the committee were more pragmatic in nature and were elaborated as they were in order to influence permit contents by means other than through the building regulations. For these rules to be efficient, it required that officials exercised authority in permit applications that drew on other sources than legal-technical authority.

The fact that state agents mobilize strategies to exercise authority over diverse audiences has been demonstrated previously. Babül (2017) shows how government workers in Turkey were subjected to training programs that required them to change their practices in line with EU standards, and Mathews (2011) demonstrates how government workers involved in Mexican forestry attempt to uphold authority through strategic uses of information and data in encounters with different audiences. Mathews (2011) particularly shows how state power, that the government workers could be said to represent, relied on an “uncertain authority” that was upheld through the continuous performance of official knowledge. Here, I consider how authority was exercised in pre-application meetings where officials conducted themselves in a way that ensured an advantage over applicants who were not necessarily keen on doing the dance around the interpretation of the rules that dictated the negotiations. The strategy deployed by officials risked becoming ineffective without the ability to draw on the authority conferred to them through the authority of the mayor.

In what follows, I describe the premises through which negotiations in the pre-application review were enabled, what kind of authority rendered them effective and how expectations for negotiations within the review procedure were embedded in ideas about the “spirit” of rules, which were feeble constructions in legal-technical terms. The increased authority that the more flexible plan would produce through enhanced contextualization, I suggest, was fairly fragile because of the sources on which it drew, sources that lacked solid ground in cases where permit decisions went

through the appeal process. The chapter begins in the committee meetings, where I will show how this setting was premised on particular temporal arrangements prior to the formal review procedure. I analyze how the discussions that unfolded in the meetings were characterized by rehearsed performances among the participants from the city that ultimately relied on the power of the mayor to refuse permits and otherwise obstruct the possibility for developers to build. Local politicians had long attempted to influence the course of permits, but they tended to take on a more prominent and open role in events related to the revised plan.

After reviewing my experience at the meetings, the premises on which these meetings relied and the authority granted to mayors through the pre-application procedures, I move on to describe how novel regulations with qualitative rules found their way into the land law department. There, the changed rule modalities destabilized the ground on which permit reviewers were exerting authority, since they introduced rules that were ambiguous and less specific. I analyze the exercise of authority in both settings through Cooren's (2010) proposition that interactions become effectual through the evocation of figures conferring importance to a person's utterances and gestures. The chapter ends in an account of a metropolitan lawyer's views of the eventual later stages that permits go through when appealed. In the concluding discussion, I suggest that the shifting placement of authority from the PLU to negotiations around the implications of rules, which were granted for instance through involvement in pre-application review, appeared to be tenuous.

## The purpose of the committee

The pre-application committee had evolved as a response to the formal procedural review process that was designed to limit arbitrary decision making by framing it as an administrative procedure to ensure conformity between documents. It was created to seek agreements with applicants about the design of their projects and it was connected to the broader ambitions to reduce bureaucracy, render decision making on urban development more flexible and move towards project planning. Officials recurrently referred to what took place in the committee meetings as discussions (*discussions*) and negotiations (*négociations*). The committee meetings that I attended took place in one of the larger meeting rooms in the *Cité municipale*, next to the location permit reviewers met during the same period to work through permit applications. In both these rooms, I found A3 leaflets spread out across the tables, leaflets that had been submitted by applicants with details of their construction aspirations. The leaflets showed proposed constructions, detailed measurements and

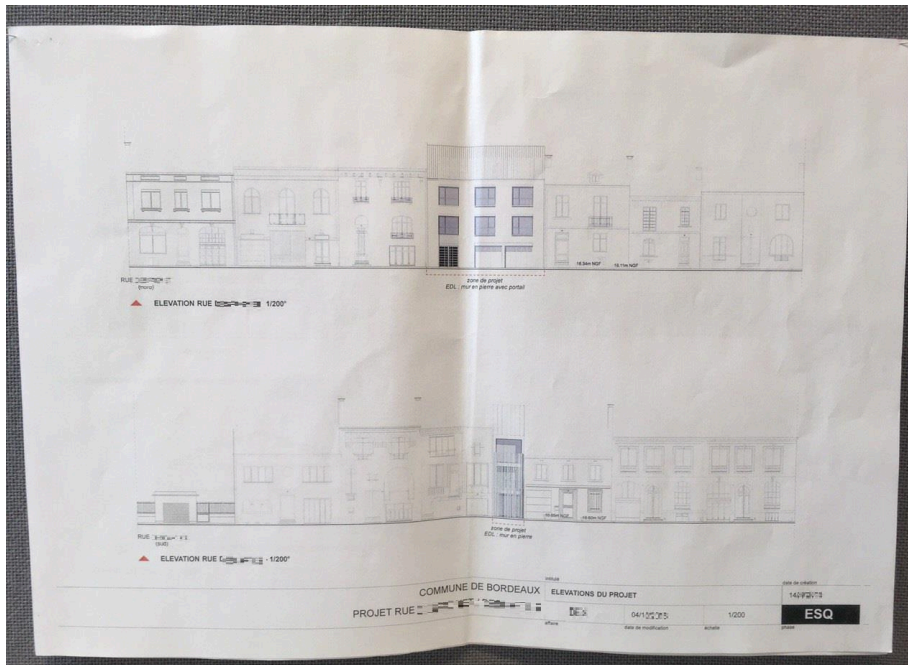


Figure 20. Example of a page from a draft showing the façades surrounding the proposed construction prepared by the applicant to depict how it blends into the existing environment.

materials, renderings of the surrounding and often written descriptions of how the imagined building corresponded to the PLU (see Figure 20 for an example). There were also differences. In meetings among permit reviewers, the leaflets they were gathered around had been finalized and formally filed as permit applications, which meant that they had to be processed within the given time period and the decision they reached had to be grounded in the regulatory framework. The leaflets that officials in the committee looked into contained aspiring applicants' construction projects that were still in the early stages of elaboration and that would be filed as permit applications at a later stage. I refer to the leaflets in this stage as drafts to distinguish them from actual permit applications. Decisions on the drafts were justified based on a variety of expectations that the municipality had, expectations that could exceed what was actually stipulated in the PLU. There was thus a crucial temporal difference between drafts in the committee and permit applications in the land law department. The leaflets scrutinized in the committee meetings were yet to

become registered building permit applications, from which time they became artifacts to be scrutinized through the PLU.

The pre-application review was not part of the formal procedure required for permits detailed in the *Code de l'urbanisme*, and participation in the CMAP committee was in that sense voluntary. On the Bordeaux municipality website, applicants were “advised” to share their drafts for the city to “verify their regulatory character and their coherence with the city’s objectives in terms of architectural quality and housing.” Once an agreement was reached in the meeting, the committee “guarantees a facilitated review.”<sup>45</sup> Damien’s description of how things functioned reaffirmed this description. Prospective applicants, he told me, “leave us a draft (*avant-projet*) that passes through the architect-consultant of the city with the objective to give an opinion before it is filed as a permit and since it has been worked through beforehand, the review will go faster afterwards.” As we will see, while voluntary in theory, it was actually mandatory in practice for applicants to submit their draft proposals to the committee to favor that the municipality would approve their projects in the formal application review process further down the line.

Damien and I met on several occasions throughout my fieldwork, and the increasing pressure on the land law department given the growing load of permit demands seemed to gradually diminish the energy that Damien conveyed during our first encounters. He was nevertheless always helpful and obliging in explaining the work in the department, while remaining diplomatic and to the point in his answers to my questions. Meanwhile, I noted how our conversations around the committee meetings seemed to unfold along a fine and wobbly line, where the rhythmic temporality of review periods was on one end and the extended, undefined procedure of permit drafts was on the other. This line was apparent when he noted that a major question for the committee meetings concerned architectural quality, which was beneficial to discuss in the CMAP setting: “the committee is there for us to discuss all that before the permit is filed because when filed, the discussion is less easy. So if we approach those aspects in advance, if we pre-review, the dialogue is in theory much simpler.” By inviting applicants to share their drafts, according to the municipality’s line of reasoning, discussions about alternative choices of architectural elements, apartment sizes and orientations, among other questions, would be facilitated. The CMAP then, by constituting a situation where drafts were discussed

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<sup>45</sup> As quoted in Direction Générale de l’Aménagement. (n.d.). *La commission des avant-projets*. Ville de Bordeaux. Retrieved April 14, 2020, from <http://www.bordeaux2030.fr/bordeaux-et-vous/nos-conseils/specificites-pour-projets-denvergure/commission-avant-projets>. My translation.

before being formalized as permit applications, enabled a kind of discussion between the public administration and applicants that was not possible within the legal-administrative arrangement of the review procedures. In what follows, I flesh out in some detail one of the committee meetings that I attended to give a sense of how these meetings unfolded, the issues that were recurrently addressed and the stakes they related to.

### **In a committee meeting**

There were seven of us seated along one side of the tables placed in a rectangular arrangement: Evelyne, Damien, the architect-consultant Pierre, a district mayor, a permit reviewer, two officials working on housing policy and me. Evelyne was the coordinator of the committee. Pierre was an architect with his own private agency who had been appointed by the mayor as an architect-consultant and acted as the expert on the aesthetical and technical aspects of proposed constructions. The district mayor was a deputy for one of the eight districts in the municipality of Bordeaux. The permit reviewer next to me, Marie, moved the pre-submitted draft between us so I could see the subject of the discussions. I asked how it held up from a regulatory standpoint, to which she responded “it seems fine, but architecturally I don’t know...” That was not her domain but Pierre’s, who looked at the draft together with the district mayor and pointed out irregularities, noting that what was proposed was “not very sexy... (*pas très sexy*),” which caused Damien and Evelyne to exchange a smile upon overhearing. Evelyne interrupted with a firm voice demanding attention as she started briefing everyone about the background to the draft. It concerned the construction of twenty-two apartments, and it had passed through a CMAP meeting last year. The applicant<sup>46</sup> had chosen to postpone filing a permit application since they wanted it to be reviewed under the revised PLU, which would allow their building to rise to a height of three more meters. Hearing this, Pierre commented cynically “at least they’re honest...,” which was only one of many comments during the meetings that insinuated that developers only cared about profiteering, irrespective of the quality it resulted in. As I listened in and scribbled

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<sup>46</sup> When writing applicant in the singular, I refer to the person or development company behind a permit application. In the meetings, a permit applicant often included several persons, for instance, a client and individuals from the construction company and architectural agency. Any construction with a total floor area over 150 square meters (*surface de plancher*) required an architect for the project to be approved, and in the meetings I attended individuals wishing to build private houses came with an architect.

down my impressions in my notebook, I added a note about how the applicant's choice to delay the permit application was indicative of how the land-use plan produces and distributes economic values by defining the volume it was possible to develop. Evelyne continued by criticizing the distribution of apartment sizes, which was something she would point out "after you talk about the placement (*implantation*)," to which Pierre nodded in agreement. She looked to Damien who acknowledged this and then stood up to open the door for the applicant to enter. Most officials had met in this type of setting many times before and had developed what appeared to be a level of intimacy with the way their colleagues acted in this situation, where they could communicate by simply exchanging looks, and this all played into how the meetings unfolded.

Representatives for the applicant for this draft came in the form of two individuals from the development company and the architect contracted for the project. They were invited to sit down opposite us, a spatial arrangement accentuating the demarcation line between the confronting parties: representatives from the public administration attempting to control and coordinate land-use on the one side, and the applicants advancing their desired land-use modifications on the other.<sup>47</sup> As the committee coordinator, Evelyne chaired the meeting. She began by noting the street name and number of the draft and came no further than recalling that the applicants had attended a meeting last year before the architect for the applicant interrupted her. As he started to justify the way the revised regulations allowed them to improve their project, the officials exchanged looks and subtly raised eyebrows, noting with disapproval the overeager architect's move to interrupt the chair of the meeting. He continued to list off the justifications for the changes to the project and I took note of the general mood of disinterest among the intended audience: Evelyne and Damien looking at their phones, Pierre browsing through the draft proposal and others with a stoic expression. In all the meetings that I attended, gestures that showed attentiveness and disinterest respectively would be invoked strategically by the officials to accentuate a sense of superiority, a behavior that shifted the moment applicants left the room.

When the architect came to the end of his speech, Evelyne commented with a dispassionate "OK," before deferring to Marie. As a permit reviewer, she read through the paper based on the regulations and highlighted the requirement to

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<sup>47</sup> In each meeting, as a new applicant arrived, the meeting chair would go around the table to allow everyone to present themselves by name and affiliation. On these occasions, I presented myself as a researcher, detailing only my university affiliation and home country with was about the scope of information that the situation allowed to expand on.

include a room measuring six square meters for storage of fiber-optic communication network equipment within the building – the architect nodded and scribbled down a few words on a paper – and comply with the minimum requirements for waste collection. The architect ascertained that they had in fact met this requirement. “I don’t think you have,” Marie asserted; and looking through his files, the architect excused himself for not having included it in the most recent update and gave assurances that they had taken care of that. Satisfied with that answer, Marie considered the proposed rainwater harvest solution and concluded that they should contact *Monsieur Martin* at the Water department. As she spelled out the name, one of the attendees from the development company, who sat silently until that moment, chimed in and echoed his name, which was telling of how many applicants had previous experience from the CMAP meetings or permit review in Bordeaux.

When Marie signaled that she had brought up all of the items she found pressing, the architect – Pierre – took over to cross-examine the architectural choices. It was during his interventions that the ‘pre-application dialogue’ that Damien had briefed me on took a more central focus. While permit reviewers’ interventions in the formal permit review process would rely on the PLU through which their speech gained weight (Cooren, 2010), Pierre would mobilize a more value-laden vocabulary, speaking for instance of desirable, qualitative, beautiful and ugly architectural expressions. This was also the case in this meeting, where he shared his impressions of the landscape features of the draft as “leaving much to be desired” and “appearing little thought-through.” The developer, seemingly understanding the potential difficulties that a lack of attention to the surroundings of the construction might cause, gave assurances that they were hiring a landscape architect for that part. Evelyne picked up a pen to quickly jot down a note. She and the other regulars were adept at keeping themselves informed and remembering the specifics of a draft. It was a memory skill that seemed to be reinforced by quickly scribbling down notes which, rather than engaging in extensive notetaking, was part of how they kept an upper hand on the information flow – she was in control, displaying no weakness through gestures that revealed a lack of attention, such as looking down and writing notes.

Pierre continued – half asking, half questioning – with an account of what the applicants propose in terms of materials for the railings at the edges of the terraces of the ground floor apartments. After hearing the response, he immediately pursued the line that “no, that won’t work.” The developer’s representative asked “why, we have done that in other places,” noting that it had figured among previously accepted materials and thus should be acceptable from a regulatory standpoint. In this

moment of pre-application review, however, Pierre had a mandate from the mayor as the arbiter of what would constitute desirable materials. His comments drew less on rules and more on ‘architectural quality’ in an openly subjective realm in which he nevertheless had an advantage. A highly senior and nationally renowned architect – “coming down purposely from Paris” for the CMAP as officials told me in a manner revealing his esteemed status – his role was to increase the architectural quality of proposals as a counterweight to developers who were discredited for caring only about profit irrespective of quality, both in terms of aesthetics and living conditions. Pierre firmly asserted, “you have to find another material, it not of quality” and the discussion was left at that without arriving at any definite requirements for materials, which was pretty much according to routine. These meetings appeared to unfold in a manner meant to leave the applicant with the perception that the public authority required ‘more’ without necessarily settling on precisely what this meant. If the explicit aim was to increase the quality of projects, an implicit aim to achieve this end was to destabilize the power dynamic – developers were not to believe that they could construct whatever they wished. They had to work in favor of the municipality’s desired development goals, which included additional rules than were provided for in the PLU. The request that Evelyne made when concluding the meeting, relating to the distribution of apartment sizes, was an example of that.

“You should make one T5 as well,” she informed, adding that the size of their T3 (where T stands for *type* and the number the amount of rooms, kitchen excluded) was below the square meter amount that the municipality of Bordeaux recommended for that number of rooms – “it’s currently 65, and the minimum is 75 square meters.” The developer did not look pleased. While questions regarding materials related to financial priorities, the size of apartments did so even more, as smaller apartments generally equal a better profit. Pierre chimed in by complimenting the architect on the proposed triangular shape of the housing complex, saying it made sense in relation to the shape of the land plot, but then suggested that an alternative placement would avoid the result that certain apartments had windows facing only one direction. Reaching for Evelyne’s pen, he skillfully drew on top of the architect’s digitally rendered illustration of the building, while describing how the mono-orientation could be avoided by reducing the amount of apartments, concluding that “we agree right, half as many apartments – that’s alright?” The developer gave a half-hearted laugh and said “I don’t agree.” No one else laughed, certainly not the officials. The situation became almost absurd; the provocative suggestion from Pierre neither played out fully as a joke nor as an actual expectation or requirement. This moment of indecision encapsulated the tenuous nature of these meetings: while

the officials on one side of the table were clearly commanding the course of the discussion, the power relations did not necessarily reflect the eventual course of a permit application process. The officials could only signal the importance of adhering to their proposals but could not legally oblige anyone to do so; and while developers were often keen to appear accommodating to the proposals, there were limits to what they would agree.

The developer assured in a diplomatic tone that “in any case, we are here to listen to what you want.” Evelyne intervened signaling that the session was over, saying “OK, so you call us when you’re ready?” The developer confirmed – “we will let you know” – and they stood up to say bye – *au revoir* – as they looked across at the line of officials and found their way out. Meetings that I attended often ended in this rather indefinite way, which I came to understand as constitutive of the premises for this type of meeting. The public administration could not require applicants to participate in further pre-application discussions. They instead insinuated that more discussions were needed by showing discontent. As the applicants left, the atmosphere in the room changed. After holding facial expressions that held back any discernable signs of interest or care, the officials relaxed their postures and briefly exchanged thoughts on how the meeting went and how to proceed. Since they had not confirmed the current version of the draft and Evelyne had insinuated that they should get back to them when they are “ready,” it was assumed that the applicant would choose to pass through the CMAP another time before filing a permit application. However, the applicants did indeed have the right to file a permit application at any time. The committee hoped to delay this so that the eventual permit application contained a proposal that was as much in line with their expectations as possible. Soon, Marie stood up and left, leaving her spot for her colleague who was assigned the draft that would be handled in the next meeting, which was soon to start, as the sequence of thirty-minute slots continued throughout the day.

### **Meetings as performances of authority**

After having participated in sequences of the committee meetings, with a new applicant and draft entering the room every half hour, I exited the municipal administrative building with the feeling of having attended a staged performance. The officials and architect-consultant appeared to be playing a part according to preconceived notions of their roles, routinely manifesting disinterest and disapproval through their gestures and utterances. Pierre participated as the architectural expert

with special knowledge in aesthetics and construction engineering, a savvy individual with extensive experience and great tacit knowledge (according to both architect applicants I spoke to and officials) that enhanced his appearance as an authority on the subject. His interjections served as subjective appreciations of draft propositions – often delivered in a register of dramatized dislike or appreciation – sometimes with ironic undertones. What he needed to support his comments was his reputation and access to a pencil, which he would use to sketch out illustrations of the points he made. Evelyne acted as the gatekeeper, steering the course of negotiations and sending signals – verbally and through gestures – to applicants to let them know if they were on good terms and the extent to which drafts were in a state that was acceptable for filing. The permit reviewers participated as the experts and legitimate interpreters of the regulations. They interjected to a limited extent, referring back to the PLU and its written regulations, a copy of which they had often brought to the meeting together with the draft. The officials participating from the housing department and other departments played out the “bureaucratic indifference” (Herzfeld, 1992) through the disinterested expressions on their faces, the norm that has been central to maintain neutrality and rationality among bureaucrats.

Spending a full day in the meeting room with the officials and the architect-consultant, receiving applicant after applicant, I noted how swiftly they shifted in tone between the comings and goings of applicants. This shift was telling of a separation between what could be said and what kind of behavior was required in “public onstage” versus “private offstage” settings (Mathews, 2011: 150). While the onstage performances of officials came through as authoritative, a sense of vulnerability came through at certain moments between colleagues and in private conversations I had with officials. This was evident, for instance, in a brief exchange between Evelyne and Pierre one morning when they noted the cladding that had been added to a building across the street, which was visible from the room we were in. As they were aware from a previous CMAP, the cladding was not executed according to the permit, and they agreed that they should make sure to talk to the constructor since “we shouldn’t let them screw us... (*fait pas qu’ils se foutent de notre queue quoi...*).” The metropole had limited capacity and personnel to take up cases against irregular constructions, and this comment exposed the vulnerability that the public authority faced in terms of constructions that were not executed in accordance with the permit. As Mathews notes, state agents “may speak authoritatively, but they are haunted by a sense of vulnerability, as translating between the general and the local makes them vulnerable, worried about their lack of local knowledge” (2011: 4). The shift in tone and posture also came through in a briefing prior to a meeting that Evelyne, Damien and another official attended. They looked through a couple of

drafts for the CMAP taking place a few days later and prepared the aspects they would need to criticize. One draft for the renovation of the premises of an enterprise whose name was an Anglicism amused them. As if this briefing was part of an offstage rehearsal, Evelyne soon interrupted to remind them that it is “forbidden to laugh next week” at the meeting.

Drawing on Ervin Goffman’s classical conceptualization of performances as practices central to human social organization, scholars have brought attention to how meetings are central to bureaucratic performances in public and corporate administrations (Babül, 2017; Nyqvist, 2015; Sandler & Thedvall, 2017; Schwartzman, 1989). This line of work has shown how drama, as a genre of performance within a bureaucracy, is constitutive of how bureaucracies work and become effective. The dramatization of meetings serves to “make apparent the terms and rules of enactment (i.e. the system itself),” as Babül (2017: 154) suggests, emphasizing that such aspects are integral to how bureaucracies operate. The specific behavior and actions in the committee were important to the bureaucratic performance, which was not merely a dramatized setting that unfolded spatially or temporally removed from the supposed ordinary function of the public administration. It was in encounters in meetings like these that the planning bureaucracy was performed. The gestures and actions of the officials played a role in the effectiveness of the meetings that were organized around principles of negotiation and discussions. Where other encounters around building permits would relate to legal requirements and procedures formalized in the *Code de l’urbanisme*, the structure of these meetings sprung from an attempt to develop other means for steering the course of urban development. Without any legal option to require applicants to participate in the pre-application discussions, they drew on other means to ensure that applicants shared the drafts that would potentially become permit applications. In the meetings, officials engaged in “reiterative” practices and drew on the privilege generally conferred to civil servants of a government bureaucracy to “subject others to authority” (Feldman, 2008: 97).

Developers were generally not happy with these negotiations, I learned from officials. Damien suggested that there was a tendency among developers to argue that “the PLU says this, so we have the right to [do so],” and he added that what they wanted with the meeting was to push discussions along the lines of “yes, you have the right to, but we also wish that you do this or that.” When encountering a counterpart unwilling to negotiate, the harsh tone and expression of disinterest were a way for the officials to take control over how the discussions unfolded. They claimed that when the CMAP was instituted, and still today in some cases, “developers complain” about the demands made of their drafts in the meetings, but

most developers have become familiar with the setting and “play the game.” As one official put it: “developers know that to build in Bordeaux, you need to go along with the committee.”

Developers and architects contracted for projects in Bordeaux were in general familiar with the meeting setting and how they unfolded. I spoke about this with Thierry, an architect and owner of a private architectural office that had been practicing in the city for over a decade. When leaving a CMAP meeting he had just attended, I ended up next to him and his client when waiting to cross the street outside the municipal building. I overheard him complaining about the critique they received in the meeting, until he saw me approaching and toned down his choice of words. His adjustment reminded me of how applicants also put on a performance in the meeting, which can be described through what Mathews notes about state agents’ participation in different settings being “highly effective at defining what [can] be said and by whom” (2011: 153) in specific settings. The sentiment they needed to hold back in the meeting to stay on good terms with the officials was let out on the street corner. I introduced myself, emphasized that I was not affiliated with the municipality and asked if it would be possible to talk about his experience with the CMAP on another occasion. He agreed, and I went by his agency a few weeks later where he expressed his annoyance with how the discussions went: “it’s like being at school sometimes. You sit in front of a jury who say, ‘it’s ugly, it’s bad.’” He indicated that the physical arrangement of the room enhanced the experience of being judged and treated as an inferior and that the architect-consultant’s comments on the architects’ proposals (for their clients) were unnecessarily unsympathetic and dismissive. Rumors of the harshness of committee meetings had spread among the inner circle of practitioners involved in local urban development, I came to learn when a friend in Bordeaux introduced me to her friends who were architects and recounted what they had heard from colleagues about unpleasant encounters in the CMAP.

Abram’s description of municipal meetings as “ritual performances in which explicit rules are enacted through tacit knowledge, where ritual correctness is met with manipulative game-playing, and formal transparency is intertwined with relational and informational withholding” (2017: 29) captures the multiple processes at work in the CMAP meetings. Thus far, I have primarily attended to the performances in the meeting rooms among officials and the architect-consultant and how they sought to manipulate the applicants’ drafts. Beyond these actors, the participation of mayors also played a crucial role, though this role was sometimes less straightforward.

## The presence of mayors

“Do the mayors attend?” an agency planner asked me when hearing that I had attended CMAP meetings. The agency planner, like so many others active in local urban planning and politics, had heard about these meetings but never attended one himself. His was a pertinent question that I was unsure of how to answer in the moment, surprised at finding myself in the position of having experience with what I assumed he would know more about than me. The question was telling of how bureaucracies are to some extent opaque to both “insider” and “outsider” alike (Hoag, 2011). In the moment, I answered vaguely that, from what I had noted, district mayors would occasionally participate, but the meetings did not rely on their presence. The meetings that I participated in all related to drafts situated in the municipality of Bordeaux, and the district mayor (*maire de quartier*)<sup>48</sup> would participate in a few of the cases but they would not, from what I observed, lead discussions or advance particular questions on draft propositions. However, the planner’s question stuck with me, and I eventually came to note how mayors participated in a variety of ways.

There was a tense atmosphere in the meeting room. The permit reviewer had just informed the applicants – a property owner, an architect and a real estate agent – that their construction project was subject to a new set of regulations. They had passed through the CMAP earlier, delayed filing a permit and were seemingly unprepared for what this meant for their construction. The revised regulations stated that any parking space removed by a new construction had to be re-developed on a nearby site. For the applicants, this meant having to replace the forty-five parking spaces that were set to be removed as they renovated the garage, in addition to build the eight new parking spaces required for the planned apartments. This was a next to impossible task within an already urbanized area. The architect denounced those demands as unrealistic, to which the permit reviewer dryly answered that it is what the PLU requires. The district mayor added that this request resulted from the local politicians having listened to the demands in the neighborhood from residents frustrated with the lack of parking. In this way, he supported the requirement as legitimate because of its presumed anchoring in the public will. Pierre launched what was, for the applicant, another unpleasant request when asking about the mono-

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<sup>48</sup> The municipality of Bordeaux consisted of eight districts with their respective district mayor who oversaw an administration tasked with administrating the everyday life and functioning of the municipal services within the district. The district mayors hold monthly reunions open for the district’s habitants, and are a link between the local communities and the elected mayor.

oriented apartments that the architect assured had undergone careful consideration in terms of exposure to daylight. Hardly convinced, Pierre scrutinized the draft and blurted out that their proposition “would result in phenomenal densification,” adding rhetorically: “do we accept living conditions like this today?” Almost as if it this was a rehearsed exchange, the district mayor chimed in with a dissenting tone “it’s the real debate today...” Rather than referring the inappropriateness of the proposed construction with regard to the established regulations, Pierre and the district mayor alluded to the well-known general dissatisfaction with densification and taller buildings. This question was particularly charged in the district where the proposed construction was located, composed as it was with well-off middle-class residents living in townhouses, a constituency that local politicians were eager to please.

The real estate agent, quietly observing up to that point, took to words by casually suggesting “as you all know, the housing market in Bordeaux is saturated,” continuing by noting that it is in the interest of the municipality that apartments are constructed, “and the project of [the property owner] is of higher quality than many other constructions.” Pierre interrupted by assuring that the mayor and local politicians (*les élus*) had initiated the committee precisely for the purpose of realizing more constructions. His comment appeared to be intended to counter the insinuation that a reluctance to new construction would be the underlying reason for the skepticism towards their project. The real estate agent, still with a calm tone, tried another approach to argue for their case by urging the consideration of the age of the property owner, which risked hindering the realization of the project if subjected to further delays. Visibly irritated, the district mayor responded: “It’s not acceptable what you’re saying,” specifying that “calling upon the market” is unsuitable, and that “a building permit must comply with regulations.” He concluded by describing land constructions as work that “builds on trust (*un travail de confiance*).” By invoking trust, the mayor brought to bear a dimension of land-use development interlinked with long-term relationships created between developers, architects and the municipality, and the role that good relationships played in granting permission for new constructions.

Through recurrent meetings throughout planning procedures and the realization of buildings in the city, officials and mayors were well acquainted with a range of developers and architects, both to the benefit and the disadvantage of the latter. Justifying a construction project with a reference to the market as an expression of the mismatch between the increasing population and available housing was hardly provocative in itself. During the months of early autumn I detail here, news outlets were repeatedly reporting about students failing to find accommodation next to

advertisements directed at landowners wanting to sell property. However, the real estate agent exposed the logics on which they were working which ran counter the ‘rules’ of the CMAP meetings. His move constituted a breach in the framing of the meetings as an encounter between two parties negotiating in good faith, where the will of the public administration was to be the guiding logic. It is worth noting that the committee had been instituted in part to curb developers who were driven by profit at the expense of quality. At the same time, the district mayor’s upfront demeanor in the meeting was predicated on the fact that the encounter took place prior to the formal review procedure. In this temporally differentiated setting, the mayor could participate as a negotiating party, which would be unconstitutional within the review procedure. The presence of the mayors, which sometimes took more subtle forms, was also a reminder of the premises for why applicants participated in the pre-application procedure to begin with.

### **Figures invoked; authority claimed**

When mayors were physically absent in the meetings, their presence would be invoked in other ways. In one of the meetings, Pierre argued with the architect of an apartment building. Targeting their architectural choices, he claimed “you’re not there yet, this is not the architecture that the local politicians want – they want something futuristic while you’re more minimalistic.” He suggested that they should build terraces for the ground floor apartments and supported this demand by recounting that “when I saw [the mayor] recently, he told me that he wants terraces, that they can be made all over the world, so why not here,” with dramatized gestures underlining the importance of this question. The developer responded with an attempt at what was intended to be a humorous comment: “I was having lunch next to [the mayor] the other day, perhaps I should have said something, but I didn’t dare.” After receiving no response to this joke, which appeared to be made at the expense of the mayor as an intimidating figure that not everyone has immediate access to, he shifted his tone to reassure that he would be happy to use the roof for terraces, which “unfortunately” is forbidden, before assuring that “I don’t want to debate.” In shifting his tone, he seemed to acknowledge the weight of Pierre’s words, which carried implications beyond the fact that they revealed him to be on friendly terms with the mayor. The potential consequences of the architect-consultant’s words were underlined by a district mayor during another meeting when the applicant was unwilling to receive Pierre’s comments: “he has a mandate from the mayor (*le maire*) to improve the quality of permits.”

By invoking the ‘mayor’ to support the legitimacy of claims, Pierre and the district mayor were actually invoking the arrangement in which it is ultimately the mayors that sign permit decisions. For those who were intimate with what this arrangement entailed, which officials, developers and architects practicing in Bordeaux often were, they knew that the act of signing was a broader realm of practices of authority and power playing out as influence over the course of the permit process. References to the mayor and the presence of district mayors recalled this order and the effects that it could have. As Cooren puts it with regard to how authority can be effectuated, “implicitly or explicitly invoking figures allows participants to make themselves more powerful through the authority that these very figures confer to them” (2010: 141). The impact of a performance thus relies not merely on the gestures and utterances of the persons present in the room, it also relies on enactments of authority and legitimacy summoned through figures, like the mayors, and documents, like the PLU. In this way, the events in the committee meetings could unfold through relationships whose manifestations were absent from the spatial setting of the room but were nonetheless present through the intimate knowledge of these procedures that applicants had earned.

What the municipality of Bordeaux had arranged in the committee setting was arranged differently in other (smaller) municipalities with mayors asking for direct exchanges with developers. The mayor of an adjacent municipality described how he expected to be alerted by developers about their projects before they advanced to the stage of filing a permit application. In his reasoning, the land-use plan was a legal-technical document separate from local politics:

The PLU is a document setting the regulatory framework, but urbanization cannot be a product strictly from regulations [...] Inside the frame called the regulation, it’s necessary to judge the appropriateness, make the local decision [...] certain projects might be acceptable from a regulatory point of view and then rejected because they do not correspond to the choice of developments.

There also seemed to be other variations of similar practices, as I heard from an architect who told me about a municipality that had systematically refused permits, and in so doing, sent a signal to applicants that they were expected to be open to discuss the details of their projects before filing them. The similarity of these practices was how they echoed the expectation among mayors to ensure that planning decisions were grounded in the local concerns of municipalities, which was a move that encompassed more than the requirements posited by the metropolitan PLU. A draft in preparation to become a building permit application is nothing more

than a piece of paper on a drawing board upon which the planning bureaucracy formally has nothing to say, as there is no immediate link between the PLU and a draft that affords municipalities a mandate to act on it. The practices of pre-application discussions were premised on a conscious elaboration with the legal-administrative temporalities around which planning procedures were arranged. Essential to these practices was the capacity of the mayor as the signer of permits, which included the eventuality that permits were refused at later stages of a project proposal. Through the officially unacknowledged involvement of mayors in defining the course of a permit, the voluntary basis on which applicants were asked to share their drafts with the committee was thus a disguised necessity. The mechanism at work was what Herzfeld calls a conversion of “arbitrariness into necessity” (1992: 162), through repeated demands of compliance with the principles of the pre-application setting due to the underlying risk that noncompliance with the expectation for negotiation would result in hindrance of the permit. At moments where the architect-consultant or officials disapproved of applicants’ remarks, they would invoke the figure that conferred authority to their expectations. It was in this way that mayors, through the delegation of authority, could participate in tweaking the content of drafts in the committee meetings.

### **The necessity of the rules and to play along**

Ignoring the committee or other forms of pre-application encounters with municipalities could result in more than just a permit refusal for an applicant. Aurélien, one of the agency planners, brought attention to this when I referred to the “negotiations” in the CMAP meetings and he noted that it was more a form of “blackmail (*chantage*)” and “abuse of power” because of the conditions under which the negotiations were held. Although it was impossible to oblige applicants in carrying out changes to drafts according to the municipalities’ wishes, there were other ways to incite collaboration. He explained with the example that in principle, they could inform developers unwilling to comply that “next time we sell land for two million from which you can make a profit of three million – you know there are many wanting to buy the land, so you can leave for vacation during that period...” Rather than a negotiation on similar terms, he suggested, the pre-application review relied on a form of bargaining. With the high demand for land in Bordeaux and the considerable potential for financial gain, many municipalities were in a relatively advantageous position to use land acquisition and the pre-emption right as a means to bargain with developers. The Mayor that I interviewed confidently assured me

that “the intelligent developers know that they have to come discuss, negotiate, everyone must find their share.” Similar to the call for a relationship built on confidence and trust, the Mayor confirmed that the developers should have no interest in “arm-wrestling” but opt for a “balanced partner relationship,” and that they know well that the developer “who makes aberrant things using force will find themselves penalized, if so only by their image.” It happened from time to time that developers did not play along with these informal and consequential rules. The Mayor gave an example of a developer taking the municipality to court for a permit refusal. This appeared to be an exception. It was a truism among officials and actors in local planning outside the public administration that I met that developers rarely appealed permits. They were aware that the cost of such a measure was risking the opportunity to operate in that municipality or the neighboring municipalities again.

While I cannot verify the claims about developers being dismissed from property purchases or having their image tarnished due to forcing through permits or ignoring calls to negotiate, the risk of dismissing the ground rules proposed by the municipalities did appear real for the applicants that I spoke to. I asked Thierry, the architect that I interviewed, if they were legally bound to comply with the pre-review procedure. He responded with uncertainty about the legal dimension and with certainty about the eventual consequences about refusing to participate: “you cannot afford to turn your back on the municipality.” For applicants, Thierry continued, the procedures differed between municipalities. In the municipality of Bordeaux, the mayor, also a widely known national politician, cannot have people “knocking on his door,” and those who have tried “have been shut out.” In comparison, building a good relationship for facilitating constructions in other municipalities passed “more through networks.” This was about to change somewhat as more municipalities attempted to structure pre-review procedures in a more ordered manner.

Towards the end of my fieldwork, Mérignac, a municipality that neighbored Bordeaux municipality, announced that their council had approved a new urban development charter complementing the PLU. It was a twelve-page document specifying the municipality’s expectations on developers, framed as explicitly seeking to “do more” than the PLU did. The charter, it stated, “is not an infinitely complex (*énième*) administrative document” but it “formalizes simple principles already explained in meetings between property developers and the municipality. It clarifies the rules of the game (*règles du jeu*) and it is first and foremost meant to be practical.”<sup>49</sup>

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<sup>49</sup> According to Mérignac. (n.d.). *Une charte pour mieux construire et mieux vivre à Mérignac*. Mérignac. Retrieved April 14, 2020, from <http://www.merignac.com/actualites/une-charte-pour-mieux-construire-et-mieux-vivre-merignac>. My translation.

The description put the charter in opposition to the PLU, suggesting that it was a complicated document to which the policy would supposedly serve as an antithesis. It emphasized the municipality as the legitimate arbiter of what development in its territory would entail. The principles of the charter included the objective to “limit construction of multi-unit housing to the project zones defined by the municipality,” to “fight against land speculation” and an expectation for developers to “integrate the need for parking in urban development projects, beyond the thresholds prescribed by the PLU 3.1.” The municipality positioned itself as the local government capable of taking action in the face of the intercommunal PLU, irrespective of what the building regulations posited. What in Bordeaux had been more subtly established through the consistent use of the CMAP meetings, where demands were made without explicitly putting them into words, Mérignac overtly manifested its expectations for developers to willingly discuss and negotiate alongside a set of rules beyond the building regulations.

Among officials, there was something of a shared understanding that the pre-review discussions were necessary for improving the quality of constructions, based on the view that developers had little interest in ensuring the provision of quality housing and were only focused on maximizing profit. A senior official and former project leader of a recent larger urban development project, assured me that “once conformity [with the PLU] is achieved, it’s only a political influence that can...” finishing the sentence silently by making a gesture to say “raising improvement” by opening the palms of her hands and moving them together with her underarms up and down. A junior official who was present in the meeting about a new construction project was less sure about the accuracy of that suggestion, proposing that “there’s not much the mayor can do once [a permit] is complies with the regulations.” The senior official corrected the statement: “If the mayor says that I don’t want you to file the [permit], they won’t do it. The developer will want to continue working in [the municipality] afterwards.” What makes all the difference “is to lean on the governance (*s’appuyer sur la gouvernance*)” she assured, of which the different strategies among municipalities to influence permits were a part.

## The “spirit” of the rules

The revised plan, with more qualitative rules, would mean “quite an important cultural change” for permit reviewers according to Damien, the head of the land law department. The rules would necessitate more time in discussion with project owners (*les porteurs de projet*) compared to the normative rules, he reflected. The discussions

with project owners would primarily take place during the pre-review process within the committee, but for the many permits that did not pass through the CMAP, it was expected that permit reviewers would engage in exchanges with applicants. Planners also pointed to the changes that the revised plan meant for permit reviewers. They noted that it demanded that they take more responsibility in engaging in discussions with applicants about elements in their land plot that could allow for adjustments to the rules and it required improved competency in urban planning to make judgements over valuable elements in the built environment. Therein lied a change in practices in the land law department. Permit reviewers were used to engaging in exchanges with applicants, for instance, when requesting complementary details to complete an application with the necessary items. They were not accustomed to discussing the features of applicants' land plots or suggesting alternative ways to build a structure or place their constructions in relation to surrounding elements. With the revised regulations, permit reviewers were no longer expected to simply administer permits but to use the adaptable rules as a leverage to engage in discussion with permit applicants about how their proposals would be come of better quality.

One day, as I took the stairs down to the lunch canteen a few floors below the offices together with the permit reviewer Sarah, I asked her what she thought was the main difference in the revised framework. She responded that “it’s all about interpreting the spirit of the rule (*l’esprit de la règle*) today,” in a sweeping tone that came across more as a commentary on a broader topic than an explanation of her actual work. “It has to do with the *urbanisme de projet*,” she added, before changing the subject to what she felt like eating, as we met three of her colleagues and lined up to grab our lunch trays and disperse across the room to the different food stations amidst the murmur and movement of municipal employees on their lunch breaks. I later encountered the same expression in a document within the PLU titled “Explanation of the rule types (*Explication des règles types*)” which was a thirty-page meta-text that explained the reasoning behind the structure of the regulatory framework and justified the choices of different rule categories. In order to “accommodate a project approach,” the regulations had been arranged into separate documents for each zone to facilitate “an understanding of the ‘spirit’ of the chosen rule (*l’“esprit” de la règle choisie*)” (Bordeaux Métropole, 2016a). The “spirit” of the rule was intertwined with the elaboration of qualitative rules that expressed the objectives – or “spirit” – rather than imposing limitations through precise measures. Consequently, it connected to the idea that permit reviewers were to engage in discussions with applicants in the “spirit” of the rule rather than to impose precise or specific limitations as to what was possible. This modified rule modality was

challenging for permit reviewers to work with – at least initially – when the plan entered into force.

Naima, a legal expert who assisted permit reviewers, gave an example of the ways the qualitative rules were challenging. She stood up to get the regulatory framework – “the beast (*la bête*)” she joked, using one of the nicknames it had earned besides “the bible” – and quickly found the issue she wanted to highlight, one she had encountered on several occasions. It was a rule stating that constructions in a project zone were to be accompanied by the planting of “small, medium and large-sized trees of various types, privileging (*privilegiant*) endogenous species.” Naima noted that the formulation conveyed a clear message of what the politicians wanted: the variety of tree sizes would ensure that the spaces between the new buildings were rapidly filled with vegetation, not merely young trees that would take a long time to grow to a considerable size. Although the objective was clear, it was difficult to conclude how to translate that into requirements in a permit. How many trees in different sizes would be enough, what was the minimum level of local species accepted, and which species were endogenous? she questioned. The formulation opened the door for several questions without providing answers in the regulations themselves, and therefore required the permit reviewer to make a judgement of what would be an acceptable amount of trees in relation to the different sizes. Moreover, the formulation that endogenous species were to be “privileged” was vague and little constraining, Naima noted, which made it difficult to justify the refusal of an application that included few or no endogenous trees. It was rather, she reasoned, a notion relating to “negotiations,” as it posited a desired outcome without firmly requiring that it “must” be delivered.

Alexandre, one of the permit reviewers, gave another example of a similarly vague formulation. He noted, exasperated, that in the revised regulation, “everything can be subject to interpretation” in the sense that the wording is ambiguous. He began reading an example of a challenging rule aloud:

It says that ‘a project constructed on the limit between two zones must be conceived in a manner that assures a harmonious transition between the [building] dimensions of each zone.’ Harmonious transition, what is that... that’s subjective, it can mean, depending on the person... By way of encountering this issue [many times] we will at one point say that from now on, a harmonious transition, it means that – I don’t know – an inclination between the roofs.

Bringing attention to the challenge of knowing what “harmonious” implied, Alexandre suggested that in order to handle the uncertainty of the meaning they (the

land law department) would try to find a shared approach to interpret its meaning. In order to address the uncertainty created by the ambiguous implications of the term, a shared approach meant that the rule could be readily available for upcoming permit applications rather than being left in an undecided state, to be determined on a case by case basis. The establishment of a shared, repeatable interpretation among permit reviewers diverged from the intentions that planners had when introducing qualitative rules. They were instead meant, for example, to enable permit reviewers to communicate with applicants to figure out ways the objective for a “harmonious transition” might be achieved in a specific permit application. If this relates to the roof inclination in one case, it could potentially relate to the placement of windows in relation to adjacent houses or the placement of a house in relation to the street in other cases.

If the intention was that qualitative rules were to be more “contextualized” by being used on a case-by-case basis to capitalize on the presumed quality benefits of the particular elements in the respective land plot, they were turned into something different once they were applied in the land law department. In the hands of permit reviewers, the rules tended not to be applied in ways the built-in flexibility intended where they served to reshape and advance permit proposals towards the objectives they had been invested to achieve (e.g., a harmonious transition). The initial tendency in the land law department was to approach the revised land-use plan in a fashion similar to that for previous plans, namely to strive for similar interpretations and uses of rules across permit reviewers and permits. Despite the fact that the plan was designed to be more flexible and supple, the way that it was applied resembled the practices of the previous years. The reason for this was not necessarily an inability for permit reviewers to adapt. It was more related to the founding bureaucratic principles of the epistemic community that they made up, which I will discuss below.

### **Speaking through rules**

References to the “spirit” of the rule spoke to the idea that the qualitative rules were endowed with objectives to be achieved rather than precise means, materials or other items to adhere to. The way that this supposedly altered rule type was motivated, it appeared as if it was a stable entity endowed with objective content, transmittable through the text. Rather than being defined through precise measures settled at the moment the plan was prepared, its precise form was to be settled during the permit review process in relation to diverse construction proposals and adapted to land plots with different forms, vegetation and conditions for development. All of this was an

ambitious investment into the plan that the land law department would implement. When planners commented on this division of labor, one suggested that permit reviewers were “the problem on the other side of the plan” when airing skepticism as to how well the revised regulatory framework would work. For planners, the “spirit” of rules was connected to the intention invested into a rule formulation that was meant to be used in an adjustable and moldable manner as it encountered different elements in the built environment. However, in the legal ramifications of the regulatory framework considered by permit reviewers, the “spirit” of a rule had to be possible to repeat in a coherent and iterative fashion on more than one occasion in relation to new permits.

As a matter of planning law, the spirit of the rule was sought in the formulation of the rule in the PLU, and the legitimacy of a decision rested on how well it was grounded in the formulations and meanings that could be discerned in relevant documents. The “contextualized” intention of qualitative rules among planners interfered with the expectation that the PLU would serve as a basis for certainty and repeatability that guided permit reviewers’ work. Engaging in discussions with applicants about alternative and more qualitative construction options, which the qualitative rules were meant to promote, stood in opposition with the view of permit review as a primarily administrative endeavor. Permit reviewers, to a much greater extent, were expected to engage in what Jennifer Mack calls a “subjective form of labor” with regard to the work of municipal bureaucrats in urban neoliberal governance (2019: 2).

Cooren (2010) has theorized on the implications of the “spirits” of material things.<sup>50</sup> He takes a protocol as an example to demonstrate how “things” are always both material and immaterial; material, because the meaning of a protocol resides in the material particularities of its graphics, texts or symbols, and immaterial, because as protocols are incarnated or materialized in different forms, they “point to something that they *substantiate* or *cause to be*” (Cooren, 2010: 146, emphasis in original). The “spirit” of the protocol, he writes, is performed “*through* the people who speak in its name, *through* the document where it has been written down, or even *through* its actual enactment when people decide to apply it for another next first time” (Cooren, 2010: 146, emphasis in original). What the protocol comes to mean, to be indicative of or represent remains open, Cooren stresses, since it depends on how it is subsequently incarnated or embodied through other documents, utterances, practices and so forth. In other words, what it comes to mean will be repeatedly

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<sup>50</sup> I use Cooren’s translation; writing about “*esprit*” in French, he translates this to “spirit” in his publication in English.

determined in the realm of practices. Replacing the protocol example with a rule, it resonates with the application of rules among permit reviewers unfolded not as a mindless, mundane routine, but one requiring repetitive reconsideration of how to use a rule as it is applied to new permit applications. And this seems to be a view that does not fall too far from how they viewed their work, since it relates to how rules never speak for themselves but need to be translated to become effective, a process which, speaking in the Latourian vocabulary, involves a “mediation” through which meanings drift and are altered (Latour, 2005).

Any material object can, in Cooren’s (2010) reasoning, be said to have a “spirit” that is invoked as it is “spoken through” and so made effective. This goes for rules as well; reviewing permits involves the interpretation of rules. When permit reviewers were challenged by a rule and how to apply it, the land law department occasionally engaged in exchanges with the planning unit in recurrent meetings in order to tease out the intended consequences of the rule in question. On such occasions, there was a sort of exchange around what “spirit” or essence the rule was meant to transmit. Eventually, that essence would be incorporated into the establishment of a doctrine: a shared, agreed interpretation of how a rule was to be put to use across different permits, which deviated from the understanding of the spirit of individual rules among the planners. The intentions invested in the qualitative rules, for instance, the rule of “harmonious transition” between buildings, presumed that its immaterial meaning was to travel as a stable entity, taking diverse forms in an uncertain and heterogeneous urban development. For permit reviewers, who were ultimately the ones tasked with “making the rules speak,” to paraphrase Cooren (2010), the spirit had to be materialized – as a roof pitch, window placements or façade color, to revisit the example of a “harmonious transition.” This was not necessarily due to an incapacity among permit reviewers to imagine alternative potential materializations of one in the same rule, but the legal-technical framing of permit review as a process of referencing between specific documents. Establishing a doctrine for how to consistently apply a rule was the way that the land law department reconciled the absence of straightforward ways to reference a rule formulation.

Emphasizing the search for repeatability is not to suggest that permit reviewers were pure intermediaries after all, mindlessly carrying out actions dictated by the PLU, but to show how actions are embedded in webs of document hierarchies and arrangements that distribute tasks and legitimacy. As a legal-technical endeavor, reviewing permits was anchored in reading and making connections between texts. Cooren (2010: 33) notes that texts are not only connected to prior contexts, they also “generate contexts” as they are engaged with and spoken through. When it came to preparations of decisions for building applications, it was the task of permit reviewers

to extract meanings from the PLU in relation to applications and thus to engender the implications of the text. In practice, this happened through consultations with other officials about what they had intended with specific rule formulations, and this included planners. Nevertheless, such discussions continued to be a way to elaborate shared understandings of rules in relation to the document. The expectation for permit reviewers to reach out to applicants for a better understanding of how the rules could be used to valorize their construction proposals shifted the basis of evaluation to a source that was external to the principles of permit decisions that relied on connections between documents. For a rule to be effective, a permit reviewer had to make it speak for specific details and elements presented in permit documents rather than make it speak in relation to potential elements present in the actual land plot to which the permit related. Permit reviewers were, unlike the planners' focus on the existing built environment and its future, primarily concerned with how this environment was represented in documents. From what I could understand, permit reviewers were not prohibited from visiting the properties that their permits related to and could ask applicants to provide more details about their property within the permit application to include artifacts that the rules could act upon. However, in practice, their workload did not allow for excursions to the sites of potential constructions around the city. Several of the permit administrators also expressed unease about engaging as negotiators in conversations with applicants, that they were expected, for example, to justify the need for a change in the placement of a house or redesign in relation to the presence of valued but unprotected trees. The principles that they upheld in their practice did not include entering into negotiations but focused on being able to give clear answers to applicants about ways in which the rules limited or enabled their construction proposals. They were, in other words, reluctant to engage in the kind of "contextualization" that had been invested in the revised plan, which presumed that the rules were adaptable to diverse settings.

Therefore, when entering the permit review phase, the qualitative rules stood in conflict with established procedures for granting building permits. This caused difficulties not only due to innate practices in the land law department. It also had to do with concerns about the potential effects of decisions grounded on feeble connections with formulations in the PLU in the eventuality that they were appealed and ended up in court, where judges would evaluate the accuracy of the decision in relation to the manifest formulations and maps of the land-use plan. That future eventuality was something that the land law department had to relate to, since the actions of the local government had to be consistent with the documents that limited the breadth of their maneuvers, which recalls how different temporally separate procedures were intertwined and influenced each other. Permit reviewers' attitude

towards the legal aftermath of permit decisions was that of something to be avoided, and they therefore ensured that the grounds for refusals or approvals were solid. What this meant with regard to the revised regulatory framework was little discussed during my fieldwork. When I asked about the legal aftermath, they indicated that it was too early to say given that the plan was only recently approved and due to the relatively extended procedure that it entailed. However, a couple of metropolitan officials did bring up the subject and pointed to the potential weakness in decisions prepared through a regulatory framework with vague formulations.

### **Legal authority and the pending state of permits**

The legal ramifications of review procedures had a spectral presence in the work of the land law department, in the sense that the doings of the public administration were regulated in law overseen by an administrative court tasked with assuring that wrongdoings in the regulated relations between public administrations and citizens were sanctioned (Booth, 2005). The role of the permit reviewer included preparing permit decisions in compliance with these regulations in order to ensure that the municipality fulfilled its obligations without abusing its powers. The head of the land law department, Damien, reminded me of this fundamental aspect when I asked him whether the looser, qualitative rules allowed for more space for the metropole to have a say on permits. Firmly denouncing what he took as an insinuation that the metropole engaged in irregular, illegal practices, Damien affirmed that they dealt with permits in a “in respect of the regulations manner (*réglementairement*),” fixing his gaze in my direction to signal that to think otherwise would be a serious mistake. There was no “margin (*marge*)” for any other practices, he assured, since that would immediately lead to “litigations (*contentieux*).” Taking Damien’s answer as an indication of how officials were navigating dichotomies of the legal and illegal, I cautiously reformulated my question and asked about the relationship between the regulations and the negotiations. He explained: the regulations impose a certain constructible envelope (*gabarit*) that functions like a box inside which it is possible to exploit either the full size or a limited volume. As an example of the minimum that is possible, he grasped the pen lying next to his notebook and threw it on the table inside the imagined box. “That the rule allows a construction of twelve meters in height does not mean all twelve meters must be used,” he said taking the example of an area dominated by *échoppes*, which are maximum of two stories, where the full exploitation of twelve meters would be impossible since the local traditional houses were lower in height. It was these kind of aspects about the relationship with the

surrounding environment that the pre-application committee considered, implying that the focus of the pre-review work was to consider the quality of what is done ‘within’ the regulations – “that’s the negotiations (*c’est ça la négociation*).” Although not an illegal interpretation of the regulations, it had the potential to lead to legal complications at later stages in the permit process when the legal correctness of a permit decision would be settled on in court.

Yann, a lawyer in the metropolitan administration, addressed the issue of litigation. We met in his office at the *Cité municipale* in the autumn of 2017, when the plan had been valid for about half a year. After arranging an interview by phone, I sent him a few questions by email, which he had requested in order to prepare for our meeting. One question regarded the tendencies in relation to permit appeals following the introduction of the revised PLU. Being sure to support his speech with factual details, he carefully noted that it had not been valid long enough to observe any major tendencies. These procedures take time. It took a couple of months just for a permit to be issued, the two months of public announcement following the decision during which it could be appealed and then added months in cases of litigation to be handled by the administrative court. However, based on experiences throughout the previous PLU, he had noted a slow increase in appeals in several municipalities including Bordeaux. Pointing to a number he found particularly telling, 60 % (which represented 3.7 % of the issued permits) of the appeals from third parties in the municipality of Pessac concerned densification projects. This was surely a number that politicians noted as it painted a picture of growing discontent with the ongoing construction. The remaining 40 % of appeals, Yann noted, were mainly from developers appealing the decision they had received, because “mayors refuse permits and developers increasingly contest these decisions.”

Regarding the developers and permit decisions, Yann proposed an analysis that stood in contrast to what an agency planner proposed, whereby the use of a mayor’s capacity to sign as a veiled threat of refusal for a permit application in the committee meetings constituted abuse of power and blackmail. Yann instead suggested that the municipalities were “getting fooled” through the modalities of negotiations because of the potential outcomes of the subsequent legal processes. He pointed to two primary ways in which the municipalities, in his view, were being fooled. The first regarded the project zones of major construction programs that had few predefined rules. The absence of minimum requirements in the PLU produced a negotiation “in the bad sense of the term” where every aspect was brought into the transaction. Yann explained how the negotiations between developer and municipality could go: “I’ll use this material for the facades, but you provide authorization for me to build higher, I’ll make smaller apartments, but in return I will provide more parking

spaces.” Without the minimum requirements in the PLU as a legal basis, each and every aspect would be up for negotiation. While this could result in decent permit proposals in the view of the municipality, in the event that the developer subsequently asks for an approval of modifications to the initial decision, the absence of regulations in the PLU limits the possibility for the public authority to contest the permit.<sup>51</sup> “From the moment you have a [PLU] that is empty, you cannot oppose the projects that are filed,” Yann cautioned, continuing to add that the court in cases of appeal will consider the decision based on the regulations “that the [local government] imposed on itself.” Added to the backdrop of this aspect – that an “empty” PLU meant that the local government provided itself with little stable legal basis to back up its position in the case of an appeal – the proposition that relationships in urban development rely on “trust” made by a district mayor in a committee meeting shifted in meaning. Previously, I suggested that this insinuated that developers were better off playing along with rules of the game, which asked them to participate in pre-review negotiations. In relation to what Yann proposed, the call for trust also went in the other direction – the public administration needed to trust that developers would stick to the initial permit agreement and avoid taking legal action, since the absence of regulations in the PLU left the municipalities in a more vulnerable position. They ran the risk of having the permit decision being appealed in court, thus retrospectively stripping away the authority over planning decisions.

A second issue with the negotiation approach, Yann continued, regarded zones dominated by existing construction. Drafts treated in the CMAP were often situated in those zones, which was true for most of the permit applications that I have given as examples throughout the chapters. For these zones, he acknowledged, rule formulations stipulating that a building had to be situated in consideration of the

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<sup>51</sup> Yann suggested that the city “getting fooled” also has to do with the recent strategy to not acquire land in two of the major development projects. The acquisition of land for urban development plays into what kind of demands the municipality can place on the developers as a complement to building regulations and other regulations. It is a subject worthy of more attention than the scope of this chapter allows. For instance, in the project zone Bassins à flot, the municipality of Bordeaux chose not to acquire land, which according to Darley & Zunino meant a procedure “demanding more ethics than a classical development project” for all parties involved (2012a: 150, my translation.) However, it should be noted that while French municipalities have elaborated varied forms of co-financing with private actors for urban development projects, most notably since early 2000’s, the broader tendency remains that public authorities initiate these larger projects (Guelton, 2018). For other accounts on the role of land ownership for the course of urban planning in other cities, see e.g. Raco and Savini (2019) and Zakhour and Metzger (2018a).

neighboring constructions (e.g., a harmonious transition) were useful because the zoning technique only allows for larger zones with similar regulations that “will cover realities that are after all quite different from one another.” Yann’s reasoning echoed that of the planners who justified the need for qualitative rules by saying there is a need for rules to be adaptable to a broader range of realities than fixed norms can accommodate. However, from a legal perspective, projecting the effects of the revised PLU further ahead in time, he pointed to the problem relating to the risk of litigation. He gave an example of a regulation stating that the applicant could chose the placement of a new construction as long as it was sequential with the placement of neighboring houses (e.g., placed alongside the street or further inside the land plot):

Ok. Imagine that we [the public administration] consider that the proposed placement is correct. But the neighbor can have a different point of view, and the judge can have a third point of view. So, we’re in complete legal insecurity for people who apply for a permit, for whom we issue the decision. All of a sudden, it’s not settled until the period for appeals is completed or until the judge has given a ruling.

The potentially challenging legal ramifications of the rule formulations that Yann pointed out also resonated with permit reviewers’ concerns about ensuring that the decisions they prepared were anchored in the plan to ensure their stability in the case of litigation. The same risk applied for the agreements achieved in the committee meetings. Although negotiations with applicants might have led to the filing of a permit favored by the municipality, the decision – if appealed – risked lacking the support of the judge. If it became a legal case, the documents produced through negotiations without a legally binding status would be ignored in the judgment of the accuracy of the decision.<sup>52</sup> Instead, the formulations and maps within the PLU would

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<sup>52</sup> The temporality of a project realization extends beyond the scope of my fieldwork. While I can say little with certainty about the course of specific drafts and permits that I have described in this chapter, it is my educated guess that the requirements agreed in the CMAP are not guarantees for what is eventually constructed. The project of 24 apartments that I described in the CMAP meeting in the beginning of the chapter was later presented in renderings on the developer’s webpage. While yet to be constructed, they encouraged buyers to invest in apartments of sizes below the requests from the city of a decent square meter for a T3.

be the measure of accuracy.<sup>53</sup> In other words, while the municipality might have gotten its desired development agreed in an approved permit, subsequent events, e.g. a court ruling, risk reversing or altering the decision. “It’s a system that can appear interesting on paper, but which in reality introduces a weakness,” Yann noted concerning the potential consequences of the revised regulatory framework.

In the course of our interview, Yann became increasingly keen on sharing examples of potential juridical knots produced by the revised PLU. Regulations relating to vegetation and landscapes were a primary example. He turned the office chair ninety degrees to the computer screen, where he swiftly clicked through the files in the PLU folder and found a piece of the established regulations to describe the issue he foresaw. The file referred to a park which, it said, contributed to the creation of a “qualitative environment” (see Figure 21). In case of reconstructions on the land, stipulations required the protection of “remarkable trees.” Although the intentions were clear, he said, the problem arose that there was an absence of specifications describing which trees were remarkable and worthy of protection. Denouncing these regulations as mere “political declarations (*affichage politique*),” they displayed on the one hand a “preoccupation to protect the sites of vegetation,” but at the same time, “they [local politicians] didn’t want to impose a norm that genuinely protected these natural sites.” He concluded that “with these contradictory words, well... it creates litigations.” His example resembled the one given by Naïma, the legal advisor in the land law department above. While she highlighted the challenge for permit reviewers in applying vague formulations as definitive rules, Yann pointed out the legal complications that this might cause. Using the park in question as a hypothetical example of a potential appeal, in the event an applicant asks to build on that park and the municipality declines – it could be expected that the applicant would appeal since constructions were not prohibited. If the municipality approved, neighbors could appeal on the grounds that the regulations proposed protections for trees. In other words, the regulation suggested two conflicting alternatives. Instead of using the regulative tools to clarify and limit building rights and make use of the PLU as a source of authority, similar regulatory tools would potentially be left for the administrative court to settle as they vaguely specified what rules applied.

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<sup>53</sup> The judge primarily considers the regulatory framework of the PLU and other applicable regulations (e.g., plans for prevention of flooding). However, other pieces of the PLU, for instance, the explicatory documents detailing the rationale behind particular rules, could also be brought to a court for scrutiny, I was told by officials.

**PLU<sup>3.1</sup>** Règlement pièces écrites  
BORDEAUX MÉTROPOLE  
Dispositions relatives à l'environnement et aux continuités écologiques, aux paysages et au patrimoine

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**P3 - Espaces verts intérieurs**

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**P3304** Parc Borghèse

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**Commune(s)** Bordeaux

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**Intérêt** culturel et écologique

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Parc de résidence abritant des boisements bien visibles depuis la rue et participant à la qualité paysagère du site.

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**Prescriptions spécifiques**

Prescriptions sur l'ensemble du périmètre :

- Protéger les arbres remarquables : respect d'un périmètre suffisant, correspondant à la taille du houppier, autour des arbres concernés, suffisant pour leur pérennité et leur développement, où imperméabilisation, dépôt et travaux sont proscrits.
- Dans les espaces minéraux, exiger une fosse de plantation de 9 m<sup>3</sup> pour les nouvelles plantation d'arbres de petit et moyen développement et de 15 m<sup>3</sup> pour les arbres à grand développement.
- Respecter la composition (pleins, vides, perspectives, ouvertures...) à défaut de la présentation d'un projet global de réhabilitation du parc concerné.

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Figure 21. Print screen of a file from the PLU specifying a park with vegetation subject to special prescriptions. Source: Bordeaux Métropole (2016a).

## Discussion

This chapter has reviewed different ways through which authority was evoked in relation to permit applications, first within the setting of pre-application negotiations where the capacity of mayors was drawn upon, and second, within the review procedure where the primary source had been the land-use plan. The committee meetings, and similar practices in other municipalities, were enabled through strategic mobilization of time as a resource. In line with Bear's (2016) suggestion that

time can be considered a technique, the pre-application procedure loomed as a strategic mobilization of the different temporalities through which the legal-technical arrangements indicate that building rights could be granted. The arrangement favoring the prior administrative confirmation of a decision within a pre-defined amount of time that ends in a signature to be provided by the mayor was used as a leverage for adding pre-reviewing as yet another temporal spectra to the procedure. In the committee meetings, the mayoral task of signing permits played into the course of the permit process. As Cooren cautions, the act of speaking ‘through’ something else by invoking it (a municipality, a document, a rule) to claim authority to ones’ own speech is “not just a matter of performativity, but also of recognition and acknowledgement” (2010: 159). Through that act, authority is not only extracted from the thing that is invoked, but also attributed to it, and it settles where accountability is due. Without mayors’ capacity to sign permits, a task assured at the municipal level compared to the land-use plan prepared at the metropolitan level, an essential incentive for applicants to play along with the alternative rules would evaporate. The functioning of the committee meetings operated around Bailey’s (1969) “pragmatic rules”, which in turn relied on statutory stages of building permissions and their distribution of responsibilities. This reliance on formal arrangements for the functioning of a locally elaborate rule confirms what other ethnographic accounts have shown about bureaucracies being constitutive of both the supposedly informal and irregular (Feldman, 2008; Hull, 2012b).

Based on the dynamics in the committee meetings and the idea of the “spirits” of qualitative rules, the demand for a more “contextualized” plan tended to be entangled with an emphasis on including considerations of diverse elements not necessarily detailed in the PLU within the realm of permit review. This tendency was in turn entangled with a shifting emphasis on what grounds that authority over permit decisions was ensured. In the land law department, the qualitative rules were conceived of as adjustable tools used in the service of improving applicants’ proposals, which permit reviewers were expected to ensure by engaging in discussions outside of the inter-documentary relationships. The shift in planning ideals towards modalities of negotiation asked permit reviewers to consider connections between documents and a variety of elements within the built environment, instead of between different documents and the elements listed in applications. Initially, permit reviewers held on to the bureaucratic-legal ramifications of their work and strove to see rules as consistent, repetitive units. By fixating on the meaning of the “spirit” of different rules, they altered the plan makers’ intentions for the expressed objectives of the rules, which were meant to provoke engagement with the specific propositions in a permit and improve these. One reason for this

reluctance was unease about the legal uncertainty opened up by the revised rule formulations. The land law department constituted a realm of the planning bureaucracy grounded in bureaucratic-technical logics that, with the revised plan, was finding itself expected to engage more and more in subjective judgements of urban development options. Their experience with this recently added expectation resembled what Mack (2019), with regard to planners asked to become judges of urban development choices in the absence of political stances, calls an “awkward technocracy.”

In the different permit-related settings, the revised PLU was largely approached in line with the *projet*-rationale, as it was brought to bear on practices seeking to promote negotiations and flexibility in planning procedures. However, the flexibility that the qualitative rules opened up through their relatively vague wording and reduced quantitative restrictions risked rendering the authority bestowed by virtue of the mayoral figure more fragile. The influence assured by officials and mayors in the upstream process of a permit, up until the decision had been signed, risked being overturned in events further downstream, as the vague rules might spur a legal case where the exact formulation of the PLU would again become central to the course of a permit. Melot suggests that recent planning reforms in France relating to land-use plans signaling different tendencies: they seem to create an “interpretative space (*espace d'interprétation*) for local politicians” ensuring a greater scope of actions, while also complicating the range of “legal arguments mobilized before the courts” in cases of appeals (2009: 194, my translation). Translated to Bordeaux, while local politicians made use of possibilities to become more involved in defining planning outcomes through the pre-application procedures, the strategies deployed risked creating a path to a reduced say in the eventuality of appeals on the decisions.

While the effects of the revised regulatory framework were yet to be seen, the tentative analysis by the metropolitan lawyer suggested that the more ambiguous rule formulations risked resulting in more appeals that would in turn be left for the judges to settle, who – when faced with a more vaguely worded rule – would be the final interpreters of the “spirit” of the rules. The tendency for the meaning of urban policy and development goals to be left to the judicial system to settle has been observed elsewhere. In the English planning system of common law, Sue Chadwick (2020) argues that the meaning of sustainable development as a premise for planning permissions ultimately become a question for judges, particularly in the case of weak local development plans. The eventual mutation of a permit being evaluated in the administrative court evinced stakes in the calls for “trust” in municipal-developer relationships that was aired among officials and mayors. They indicated that they needed to be able to have confidence in the fact that developers were going to do a

decent job in their construction projects. With the eventuality that permit decisions are appealed and their accuracy evaluated in court, the call for trust also related to the power dynamic that the committee meetings relied on, namely that developers played along with the rules of the game and refrained from filing appeals on permit decisions. If or when they did, it became a municipal-developer-judge relationship where the court's ruling defined the outcome the municipality did so to a lesser degree. The reliance on trust leaned towards aspirations for arranging building permissions around agreements rather than planning law.

To sum up, this chapter has discussed practices situated in attempts to have planning procedure be more proactive and flexible by instigating discussions about drafts and permits, partly as a means to assure influence over their content. The following chapter continues to explore a similar dynamic between flexibility and authority, focusing on a particular rule formulation in the regulatory framework pertaining to architectural elements that functioned as an enabler for refusing permit applications.

## 7. Arbitrary Connections

There was a recurrent interplay between the issue of contexts and arbitrariness at work in permit review procedures. This interplay surfaced in a conversation with the permit reviewer Perrine. When participating in discussions in the land law department, I heard them on several occasions express appreciation for architectural features in the proposals as well as regret over having to prepare a refusal. I asked Perrine how she felt about that part of her work and she shared that “there are more or less well-made [permits] where the projects are more or less of quality and sometimes they are not complying with regulations so, well, you say no anyway. That happens, and the opposite. Projects you don’t find *top*...” She paused a millisecond before correcting the last bit: “no, that’s less true, because with the *Article 11*, the architectural aspect, *fin*, the architect can justify why it’s not qualitative, that it doesn’t integrate well in the surrounding.” Her observation implied that a permit application that was deemed to be architecturally qualitative might need to be refused because it was irregular in other ways. However, it was less likely that a proposal that was regular in all other regards but lacked architectural quality would be approved. What Perrine did not mention on this occasion was how the implications of *Article 11* extended beyond questions of architecture.

*Article 11* was one of the thirteen articles containing different thematic rules in the former PLU from 2006. During the over ten years of its existence, this article, and the different kinds of rules it contained, had become close to reified as one singular regulation carrying with it specific implications and stakes. Officials and permit reviewers referenced this article in passing in a way that gave it a remarkable level of importance earned by no other article, at least not when judging from the presence of this reference in conversations around building permits in the planning bureaucracy. In the revised plan, regulations relating to exterior and aesthetic elements of constructions were moved to a paragraph titled “2.4 Exterior aspects of constructions and the *aménagement* of their surroundings” (Bordeaux Métropole, 2016a). The paragraph contained varying amounts of detailed regulations in different zones, but one formulation was common across all zones, and it is primarily that phrase that appears in the examples I discuss in this chapter. The phrase reads: “the placement of constructions, their architecture, dimensions and exterior aspects must be adapted to the character and in the interest of (*adaptés au caractère et à l’intérêt des*) neighboring buildings, sites, natural and urban landscapes.” It is a sweeping formulation in itself – providing no specifications of what “character” substantially consists of or how to assess the presence of character. Though the article changed in name following the plan revision, for the sake of coherence I will refer to it as

*Article 11* below, which was also the way officials continued to refer to the article during my fieldwork.

This chapter, which builds primarily on interviews with officials with an education in architecture, permit reviewers and municipal documents (brochures, policies on architecture, internal datasheets), centers on the article in the regulatory framework that was drawing on the city's expansive cultural heritage politics.<sup>54</sup> I examine how the work around the *Article 11* was brought to bear on permits through what I describe as a particular 'architectural context' in the Bordelais planning bureaucracy, and how this work related to the question of arbitrariness in permit decisions.

In linguistics, Ferdinand de Saussure developed the principle of the "arbitrary nature of the sign," which he attributed to the absence of any intrinsic relations between the signifier (the sound or utterance) and the signified (the object or idea that the signifier refers to) that together make up a sign (1916/1966: 66-8). The presumption about the absence of any essential connection between signifier and the signified is relatable to the understanding of contexts resulting from made connections. In other words, there are no intrinsic relations between the designation of a context and those elements that it is said to be made up of. It is a similar presumption that guided Candea (2007) to suggest the notion of "arbitrary locations," which I discussed in the introduction chapter, as a useful tool when thinking about the arbitrary relationship between field site connections and the wider object of study (in my case, bureaucracy and rule relations in urban planning). Just as the analyst – me – participates in giving shape to a certain Bordelais planning context through this account, officials (planners and permit reviewers) and politicians took part in shaping a particular architectural context in Bordeaux. Engaging with contexts as constructions, Law and Moser argue that to "depict the world *is* to assemble contexts and to hold them together in a mode that may be descriptive, explanatory, or predictive" (2012: 334). Within the temporally and spatially rich architectural legacy of Bordeaux, certain perceptions of what constituted the city's typical architecture *par excellence* had been granted a stronger descriptive value. Since there are no essential connections between different elements and designated contexts, these need to be established at the expense of

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<sup>54</sup> The attention to urban heritage in Bordeaux is embedded in a longer tradition in France concerning architectural and urban heritage as part of the identity of the nation. The notion of urban heritage has been reformed as an idea and legislative object from its origins in the early 19<sup>th</sup> century throughout the *loi SRU* (see, e.g. Versaci, 2016).

other potential alternative connections. Herein lies a “political twist” to Saussure’s principle on the arbitrariness of signs (Herzfeld, 2016: 79).

Throughout this chapter, I will pursue a line of inquiry into two overlapping contextual issues. The first relates to the construction of an architectural context coalescing through efforts among officials evaluating Bordeaux’s aesthetic qualities. The second relates to contextualization as a move in the preparation of permit decisions. In what follows, I begin by describing the construction of an understanding in the planning bureaucracy of what made up the important, valuable aesthetic features in the existing built environment, which had emerged largely through efforts mobilized around a group of officials in the municipality of Bordeaux. This understanding made up what I refer to as an ‘architectural context’ to denote the role that this assemblage of appreciations took on as guidance for evaluating whether construction proposals were “adapted to the character,” as it was worded in the building regulation, to the existing built environment. My intention is not to imply whether this was a questionable choice, but to highlight how it resulted from partial judgements about this built environment, which itself is made up of innumerable possible connections exceeding those included in the exact understanding of the architectural context that came to take hold.

I then proceed to consider how the capacity offered by the regulations that resulted from ambitions to control the architectural context were used in light of the mayors’ concerns with “contextualization” as a pretext for influencing the course of permit applications. The *Article 11* functioned as one of the pockets of extant flexibility within the land-use plan, since it offered a variety of motives on which permits may be refused. Mayors mobilized this opportunity to assure contextualization in relation to the local particularities that assumed importance in relation to specific permits and the issues that they related to. These practices evoked an implication of arbitrariness that differed from the linguistic origin of the word, namely the capricious use of power. The land-use plan, an instrument that in French urban planning originated from an ambition to minimize discretionary moves and abuse of power, was used in a way that it was meant to prevent. Towards the end of the chapter, I show how the diverse practices involving uses of the *Article 11* were evocative of different dimensions of democratic legitimacy by drawing on Rosanvallon’s (2006) emphasis on the plurality of temporalities in democracy. Whereas certain local commentators assured me that planning decisions should result from work within the administration, others considered the apparent whim of mayors to be connected to expressions of popular will.

## Arbitrating aesthetic elements

The *Article 11* was front and center in one of the committee meetings I attended. The meeting was not about a draft, like the previous cases I have detailed, but a permit application that had been refiled with slight modifications that had been refused three times. The responsible architect for the permit, which proposed the construction of two villas by a private property owner within a smaller land plot, had repeatedly been in contact with officials and questioned the accuracy of the decision. The commissioned architect, who I will refer to as ‘the applicant’ below, had suggested that the decision was colored by officials’ personal dislike of the architectural style proposed. His claim built on the expectation that the permit should be considered based on its conformity with the land-use plan and that officials were obliged to assess the proposal without letting their subjective opinion of architectural styles influence the decision. In fact, one of the in-house architects in the metropole had prepared the reasons for the refusals according to *Article 11*. This architect-official, as I call the officials that oversaw the rule conformity of a permit’s architectural dimensions, had had tense exchanges with the applicant over phone. This led him to suggest to the architect-consultant Pierre who was part of the CMAP that they should invite the applicant to a pre-application meeting to receive “a fair judgement, so that he doesn’t think it is a matter of personal disagreement.” The comment is indicative of how architect-officials, similar to permit reviewers, were sensitive to how applicants may perceive their work as subjectively motivated, as a personal and biased dimension that should be absent from the permit review process. The suggestion that the committee should receive the applicant was in line with the perception that the CMAP performed the decision as a local administration unit rather than the implied individual, subjective view of the lone architect-official or permit reviewer.

The applicant arrived, signaling through his body language that he had little interest in playing along with the rules of the game for these meetings, in contrast to the many other applicants I had observed who played along with these rules when entering the room and greeting the city officials. There was an immediate stiffness in the discussion between the two parties, who were both discontent with the situation. Pierre took the floor, arguing that the proposal “lacks lightness,” and assured the applicant that the latest refusal was not due to the roof inclination, which had previously been inaccurate, but that the composition of the entrances was problematic. The applicant, frustrated, explained that the architectural style was in line with what his client desires, that it meets the regulations of the PLU and respects “what the city wants.” The latter claim might well have been grounded in a close

reading of the regulations for the zone in question, but it was a bold move in this meeting space where the proposals from the city representatives – not the PLU – were the relevant manifestations of local planning policy. Evelyne, the coordinator of the committee, firmly denounced the applicant’s assumption that the proposal was in compliance with what the “city wants” through his own interpretation of the regulations, and informed him that “*Article 11* is open for debate.” Rather than inviting a debate, the suggestion came through in a manner that underlined the fact that city officials acted as arbitrators for which motives may be validated. The applicant tried another approach to justify the project’s architecture and argued that the houses were to be situated in an area of diverse architectural styles, which meant that their project blended in. Upon hearing this, the district mayor chimed in, noting with disappointment that he was aware of the heterogeneous architectural expressions in the area, and that it was something that he was working on with his officials. As it turned out, the refusal of permit applications that proposed houses with colorful facades and black rooftop material was part of the district mayor’s attempt to assure a more coherent architectural style throughout the area.

The applicant had a point when he argued that the already varied architecture in the area where the houses were proposed could constitute grounds for the addition of yet another variation in styles. Since the existing environment was made up of heterogeneous architectural styles, it could be interpreted as allowing for yet another variation. The district mayor and the officials, however, saw other specific features of the existing built environment as making up the setting to which the proposal must fit. The district mayor, together with many local politicians and officials, cherished specific elements of the existing architectural styles: the one to two story limestone city houses (*écboppes*), 19th century mansions (*chartreuse*) and other architectural styles dating back prior to the mid-20<sup>th</sup> century. Their architectural elements constituted the context that the proposal was expected to work with, whilst the alternative interpretation of the existing environment – the heterogeneous elements introduced with more contemporary architecture – was to be bleached out. I later learned from permit reviewers that the district mayor and also a considerable amount of residents favored a conservative approach to new constructions in this area, by attempting to privilege specific architecture and limiting the amount of new multiunit housing. In working to prevent the diversification of architectural styles within the district, the motivation for refusing the permit shows how the review procedure was not only a question of attending to that which exists. It was just as much about forging connections between what is deemed valuable in the current urban geography– certain architectural elements and urban forms – and the continuous stream of construction demands from property owners and developers.

Permit review procedures not only attended to existing contexts or local particularities, but also continuously attempted to fashion and consolidate a certain kind of built environment and urban form. In this area, as in several other areas in the metropole's municipalities, this came to be about privileging specific, architectural features.

## Context-making expertise

The specific architectural features given importance in the permit review process had partly taken shape through a configuration of architectural expertise active in the municipality of Bordeaux since the early 2000's. The question of architectural specifics of Bordeaux took center stage when the municipality initiated its major urban redevelopment project with the ambition to render the city more attractive to prospective residents and investors. The importance given to the existence of urban heritage and its ongoing evolution had continued to grow in the more recent urban projects through the extended concern with how to valorize this heritage in the development of the city. The PADD, the strategic centerpiece of the revised land-use plan, confidently stated that "today, the *métropole bordelaise* is attractive. This is a significant asset in a time when other territories are facing difficulties" but, it continued, "positively responding to this attractiveness must not be done at the expense of local harmonies/balance (*équilibres*) and the quality of the living environment (*la qualité du cadre de vie*)" (Bordeaux Métropole, 2016a). In other words, while understood in one sense to be resources contributing to the attractiveness of the metropole, the same qualities and existing living environments were also at risk due to the consequences of the metropole's growing attractiveness. This was a risk related to several stakes: the necessity to construct to accommodate a growing population and business sector, groups of current residents who were discontent with changes in the everyday living environment towards which mayors are attentive and the preservation of historical architecture as a resource contributing to the "attractiveness" of the metropole and its economic growth. It is the latter concern in particular that has pushed architectural features to the forefront in review procedures. The written building regulations and *Article 11* were interlinked with this broader policy concern. While the elements important to the constructed architectural context were temporally historical, in the sense that they resulted from the reasoning and practices of previous centuries, it would be misleading to consider it to be a preexisting context onto which the planning bureaucracy applied modern-day concerns. The relevance of this architectural legacy, refashioned as a

contemporary concern continuously shaping planning priorities, was shaped and motivated through efforts that were most visibly formed by and around a group of officials in the municipality of Bordeaux.

In 2004, the municipality initiated an “inventory” (*recensement*) of architectural and urban qualities of the 1400 hectares designated *Ville de Pierre* (literally, the City of Stone). This area was nominated for particular preservation measures. The inventory consisted of gathering information about each building within the proposed perimeter, detailing the elements considered valuable and thus important to protect. These details would eventually serve as references in the review of modifications of these buildings and new neighboring constructions. As detailed complements to the graphical maps in the regulatory framework, the zones containing the *Ville de Pierre* were equipped with maps in a 1/1000 scale detailing each building with a street number and symbols marking out specific rules pertaining to individual buildings or groups of buildings. In this part of the city, the detailed zoning map and complementary regulations offered specified descriptions of rules, which in other zones was addressed through formulations including words like “coherence” and “adaptation.” In this area, the choice was to include specified regulations rather than qualitative rules.

The inventory demonstrated the attention given to a large part of the city as an urban heritage site. The efforts to value this area grew out of the preparation of a application to acquire a UNESCO classification for the historical inner city center, which extended to the more “ordinary heritage” of town houses throughout the city (Callais & Jeanmonod, 2013). Bordeaux municipality was characterized by a relatively steady political arrangement with the same mayor, who ensured high-ranking officials would remain in their positions for extended periods. Among these was a group of officials with an education in architectural practice and theory, whose expertise played a significant role in shaping the city’s policies on land-use planning through the lens of architectural valorization. I encountered this expertise through urban walks organized by officials, exhibitions about the history of the city’s architecture, informative brochures produced by the municipality and a workshop series gathering local officials and politicians, national ministries and practitioners around the theme of contemporary planning for urban heritage. The architectural expertise was also shaped through the involvement of the *Architectes des Bâtiments de France* (ABF). ABF is a state field service composed of architects with a mandate to give their recommendations on permits in relation to certain heritage values and an expression of the French state’s emphasis on the formation of technical and strategic expertise as lending legitimacy to planning decisions (Lamy, 1990). Permit

reviewers repeatedly consulted with the ABF, as a considerable number of permits fell into the category for which ABF should give recommendations.

The architectural expertise was initially in the municipal Department of Urban Development. When it merged with the metropolitan counterpart, several officials followed along. The move to the metropole administration was coupled with growing attention given to architectural styles and buildings throughout the member municipalities to widen the range of the built environment included in the land-use policies that valorized architectural heritage. This architecture-focused expertise was also consolidated and was increasingly important through a biennale on architecture, urbanism and design initiated by the municipality of Bordeaux in 2004 and later run by the metropole. The biennale had become an important platform for the fashioning of Bordeaux's urban redevelopment programs throughout the last few decades as an internationally renowned "best practice" example in terms of sustainable development and transforming a historical legacy into a contemporary asset (see e.g. Jolivet & Bond, 2018; Martone & Sepe, 2012).

The municipality had thus put tremendous effort into acquiring detailed knowledge about, and elaborated modes of governing, the *Ville de Pierre*, which was considered "the reference for the urban landscape of the agglomeration."<sup>55</sup> The officials in the architectural expert group had participated in knowledge production about what was valuable and important to preserve in the existing environment and what needed to be kept consistent throughout the continuous change the city was subject to through subsequent construction projects on larger and smaller scales. Whilst most established and manifested in the activities of the municipality of Bordeaux, their work spread throughout neighboring municipalities concerned with valorizing their own historical architecture, including the remaining *échoppes*. This included consideration, as one official underlined, of how the city "evolved over time" as a "heritage in progress (*patrimoine en projet*)." They were in that sense participating in assembling a range of information, details and valuations that formed a collective understanding among the broader group of officials in the planning bureaucracy about what constituted the spatially and temporally valuable architectural features of Bordeaux. The architectural expertise participated in the preparation of the land-use plan and permit review through written contributions to the regulations and by assisting permit reviewers with detailed data about specific buildings and recommendations about specific permits.

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<sup>55</sup> According to Mairie de Bordeaux. (n.d.). *Le recensement du paysage architectural et urbain*. Ville de Bordeaux. Retrieved April 21, 2020, from <http://www.bordeaux.fr/p24332/ville-de-pierre>. My translation.

## Sequences of continuities and discontinuities

One way that connections between different elements were forged through the building regulations was around the notion of “sequences (*séquences*).” Inès, who was part of the architectural expert group, explained the meaning of this notion to me. We met for a drink in a bar next to Place Pey Berland, the square in between the administrative area and a historical area of the city. Inès had been a practicing architect for some time before joining the municipality around a decade ago. As she spoke, she seamlessly jumped between her passion for the rich architectural variation that the city offered and the policy positions of the municipality that she defended in her professional capacity, despite acknowledging the limitations that the firm regulations often meant for property owners. She began working with the cultural heritage inventory early on, just as the initiative was getting started. Over the years, the inventory resulted in innumerable datasheets that, building by building, described the characteristics of buildings that were considered to be unique and valuable. Through the inventory, close to 40,000 plots over 1400 hectares had been documented, according to the information that the municipality of Bordeaux provides. The datasheets produced through the inventory assisted permit reviewers, who rarely had the time or the architectural competency to collect that kind of information about the buildings that they encountered in review procedures.

Inès’s work with the inventory meant that she spent much of her time on the streets documenting buildings, and she indicated that this differed from how metropolitan planners typically worked. She seemed keen to assure me that she had a connection with the concerns of the residents, perhaps as a response to the well-known perception among residents that policies from the metropole administration were technical products out of touch with real-life issues. Nevertheless, she dutifully described to me the line of reasoning she and her colleagues took when defining what elements of the built environment were worthy of specific regulations and how. “Look up there, the building there that is a bit dirty is lower than the other ones. It is what gives Bordeaux its character, so that sequence is what we want to protect,” she urged – pointing towards the rooftops opposite the sidewalk where we sat by the tables of the bar. The buildings had façades of rectangular blocks in limestone, double shutter windows with white frames and black iron railings with a variety of squiggly patterns covering the lower part of the windows. “I see the value of buildings in their sequences, not in isolation,” Inès continued after bringing my

attention to the rooftop skyline.<sup>56</sup> The sequence here, she explained, consists of a variation in heights (see Figure 22). On other occasions, a sequence could consist of a continuous straight line of rooftops. Inés and her colleagues' knowledge had been important in the formation of the collective understanding of the 'local particularities' in terms of architectural elements according to which the revised plan was prepared.

The example of the rooftops that Inés gave was one of several other variations considered to be sequences. In conversations with permit reviewers, they told me about different kinds of continuities and discontinuities that were captured within the notion: roof inclinations, the placement of houses in relation to the road and in relation to neighboring houses (vertically attached or semi-attached) or the presence of vegetation throughout a continuous stretch between the road and houses. Formulations in the written regulations did not necessarily specify the kind of sequence to which it referred, and the notion was used both in the more detailed regulations in the *Ville de Pierre* and other zones. As an example, the formulation in one written regulation reads as follows: "in sequences presenting an architectural coherence (*unité architecturale*), the construction must be conceived in a way that assures a transition with the preexisting constructions." Other times, the regulation posited that the construction could be placed at a 5 meter distance from the street "or adapted to the sequence," a formulation sprung from the idea of having more qualitative rules, which opened up the opportunity to adapt the rule if it was appropriate for the setting. One permit reviewer, who had worked in the pre-review service on the entrance floor of the *Cité municipale* receiving applicants who had questions, noted that the formulations concerning sequences were problematic for architects who tried to elaborate a project in line with these rules. They came to the pre-review service complaining about the lack of specifications in the regulations. She argued that rather than being forced to construct within a given volume of X meters, the necessity to adapt to sequences provided more "liberty" and that "it's easier after all to zoom out a bit and look at what happens around." Her assertion came from the position of having acquired a certain kind of understanding of what sequences were of value, a view that certainly differed from the position of prospective applicants who were primarily concerned with interpreting the regulations in a way similar to the permit reviewers - to prepare an approvable permit application.

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<sup>56</sup> Her understanding of building as ensembles rather than isolated units resonates with the tendencies in the national policy of initially dealing with historical monuments, and later historical areas and building sites, in relation to each other (Versaci, 2016).



Figure 22. A street with differing rooftop heights to the right and same heights to the left, which constituted two kind of sequences.



Figure 23. View from the terrace of the lunch canteen in the *Cité municipale* over a sequence of rooftops of different heights, which were deemed as protection-worthy.

Many permit reviewers, to different degrees, had acquired a sense of what was a protection-worthy sequence through years of experience working with municipal planning policies and handling permits. It was manifested, for instance, by one permit reviewer who reported that he did not have an education background in architecture but could easily determine that certain things were unacceptable: “I can immediately say that it’s not worth putting PVC [as a façade material in plastic] ... In the *Ville de Pierre*, it’s quite easy with the rooftops, curved tiles are required.” Appreciation of details absent from the written regulations, but present in the narratives of architectural values advanced in other settings, was an area that was the subject of conversation among permit reviewers. One occasion, when I joined a couple of permit reviewers for a coffee on the terrace outside the lunch cantina, which offered a view over the city center in line with the rooftops of the surrounding buildings, was illustrative of this (see Figure 23). A permit reviewer pointed to a recent construction nearby, sharing that she was currently involved with a permit regarding the construction of luxury apartments there, a development about which

she was personally skeptical. Her colleague pointed to a rooftop further away, suggesting that it was unfortunate that it had been equipped with a railing meant as protection for chimneysweepers and others working on the rooftops because “it breaks with the harmony of the roofs.” The others agreed. My untrained eye struggled to identify the railing they were talking about, and I was only able to discern it after being given detailed instructions.

There was a wide variety of detail across the rooftops that in my view could have been the subject of discontent over discontinuity: varying rooftop formations, chimneys, tile styles, and placement of windows, to name a few. What appeared to me to be of little significance was for them a detail that ran counter to the idealized characteristic of (dis)continuity of rooftops that they strove for daily through the review of permit applications. Permit reviewers and officials were constantly facing the inner-city skyline from their workspaces, and they projected experiences and opinions of permits they were handling on this view. It would be incorrect to suggest that permit reviewers or planners were planning from an ivory tower – they were sensitive to different experiences in the city as residents and as officials. Nevertheless, the comments on the aesthetics of rooftops reminded me of how these officials approached the city – through paperwork, from the workspaces and specific architectural appreciations – from a perspective rarely shared by residents. As Bordeaux is a relatively flat city with a low skyline, it was challenging to find a place with a panoramic view of the city other than by paying the entrance fee to the medieval clock towers or entering the few recently constructed taller buildings. Indeed, the privilege of an overview of the city was also guaranteed from the municipal and metropole administration.

In comparison to the concerns of permit reviewers to ensure that the motivations for a permit decision are grounded in formulations from the regulatory framework, the realm of regulations pertaining to aesthetics and the existing surroundings was interlinked with specific features in the built environment. The appreciation of what in the existing environment belonged in the realm of things to be respected and regularized was largely formed through the work of architects in Bordeaux Métropole occupied with producing knowledge about the urban landscape of Bordeaux. Architectural expertise, widely disseminated as shared knowledge among officials, contributed to shaping apprehensions of what “local” and “particular” meant in land-use regulations. Through the extensive attention given to architectural heritage, specific features of this built environment endowed an

importance that came to bear on the review of new and to be modified buildings within the *Ville de Pierre* and beyond.<sup>57</sup>

The meanings in *Article 11*, and eventually Paragraph 2.4 where the regulations relating to architectural features were found in the revised PLU, would thus partially be defined through shared understandings among officials about what features in the built environment were considered valuable. It was in relation to these features, among the abundance of other features, that a building proposed in a permit application could be considered well adapted or not in relation to the surrounding buildings. Though the formulations in the regulations could be read as leaving the door open for a variety of interpretations, the appreciation about which features mattered most had largely been established already among officials. Put another way, what notions such as respecting “sequences of architectural coherence” were to achieve relied on established ideas within the planning bureaucracy that were not necessarily detailed in the regulations. This sheds new light on the views of architects that a permit reviewer told me about, who complained about the unspecific and ambiguous meaning of sequences. The supposed liberty that such formulations added, in the sense that variations of possible alternatives for how a new building could be inserted into the existing environment could be proposed, also added a degree of liberty for the municipalities in charge of permit review. It added a degree of liberty since fewer elements had been predefined and the appropriateness of a construction proposal could be judged in relation to the specific buildings it was to be inserted among. This was partly a question of scale: predefined rules and the size of zones in which they were applicable did not allow for fine-grained building-to-building regulations. In that sense, it was an expression of less prescriptive and more prospective planning that was part of the expectation of the planning reform in recent years and the PLU (Booth et al., 2007). However, the scope of the supposed element of liberty for architects was constrained by the municipalities’ assessments of their proposals. As one practicing architect bluntly put it, the rule formulations “give you liberty, but to what extent is determined by the architects in the municipality.” According to officials and the wording in the PLU, the specific formulations of *Article 11* served the purpose of achieving architectural quality. To understand the liberty created through its formulations though, it is necessary to look

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<sup>57</sup> There are many more effects of the focus on aesthetics in the historical city than I touch on in this chapter, for instance, displacement of residents from areas undergoing urban revitalization. For an account of how heritage politics is complicit in the processes of gentrification and displacement, see especially Herzfeld (2009).

beyond ambitions to achieve qualitative construction. *Article 11* also provided a pocket of flexibility in which other issues were addressed.

## Rules as pockets of flexibility

While the regulations offered possibilities to attend to specific aesthetical elements, they also played into the shifting decision-making power that had made mayors concerned about being able to influence the course of the permit process – for instance, to obstruct the densification that the regulatory framework had been prepared to enable. In chapter 5, I detailed how permit reviewers' work was organized around referencing between documents to ensure that the justification for a decision was on solid legal ground, since their role in reviewing was to ensure conformity of permits against the PLU. In principle, this is also the case with regulations pertaining to exteriority and the surroundings of a building. However, as the rule formulation indicated, the interpretation of it depended on the existing built and natural features of the surroundings of an envisioned construction. These were features about which permit reviewers, during the period of my fieldwork, had little opportunity to gain immediate insight into for each permit. Instead, it was an item that architect-officials were responsible for considering. Their assessment of the architectural quality of a permit proposal in relation to zoning regulations would be combined with the permit reviewers' assessment and other consulted officials' reviews in what became the basis for a decision.

Raymond, one of the architect-officials, addressed the variation of interests that went into the use of *Article 11*. In contrast to most officials I met, who generally proposed that we meet in their offices, he proposed that we meet in one of the booths on the entrance floor of the *Cité municipale*. While this booth was more of a generic space, less an invitation to a private working space, it turned out to be beneficial in the sense that it allowed us to have a conversation with less risk of disturbance by colleagues dropping by. Raymond was a senior official with many years of experience in the municipal administration. Tasked with reviewing permits through the rules pertaining to architecture, he said “I always have elements to motivate a refusal, because there are often relationships between scales that aren't solved. In the production of housing there is this quite common architecture which is not really of quality...” He suggested that it was easy to confirm whether a proposal failed to consider the benefits offered to the future habitant and was instead, as he insinuated, more concerned with preparing a cheap construction. To motivate a refusal, he said, “is easy without being easy.” It was easy since there would

always be some discrepancies between the permit application and the regulations that could justify a refusal. It was also difficult since it required effort and the careful consideration of the grounds for a decision. “Often, we need to do pirouettes and juggle to succeed,” he proposed. The kind of procedure that Raymond was talking about was different from permit reviewers’ routines. Where they placed emphasis on finding connections between the regulatory document and the permit application, Raymond emphasized a broader range of interests going into the review. “It’s necessary to record the city’s expectations, the regulations, and also the quality of a project, and [we] must find the time to accept as well as refuse, to find the good arguments” he assured, underlining the fact that this part of his work was difficult and challenging. Just as shared interpretations – doctrines – had to be established among permit reviewers through the repeated processing of permit applications, a certain doctrine had been shaped among architect-officials with regard to what was considered a local architectural style. This doctrine, or architectural expertise, which I described above as a rather coherent set of ideas and practices, was less so when considering the work of translating those understandings into specific permit decisions.

Considering the architectural aspects of a permit application was challenging for several reasons, Raymond explained. Although an area of expertise that requires experience and training, the assessment of architectural elements was an activity that included subjective appreciations in the sense that it built on differing ideas of what was aesthetically appealing. Permit reviewers and architect-officials alike seemed to agree that this was the case, as I noted when hearing them discuss the difficulty of justifying assessments. Nevertheless, motivations for decisions about material and aesthetic qualities had to be motivated in ways other than by calling upon a language of subjective appreciations. It is not enough, as Raymond explained, to say that “it’s pretty, it’s not pretty, I like it, I don’t like it, because that’s not what it comes down to. And it’s very complicated to say about contemporary architecture within the built [urban] fabric that it blends in or not and for what reasons.” Moreover, the urban morphology consisted of temporal layers from varying regulations, as certain things allowed under previous land-use plans were prohibited in the most recent iteration. In addition, not all existing constructions were regular from the viewpoint of the planning bureaucracy – the local government’s policy does not control changes in the built environment in any absolute sense. The material traces of former decisions would continue to haunt the architect-officials.

Raymond reflected on that applicants and colleagues probably perceived him as demanding and strict in his professional role compared to his colleagues. I learnt that this perception resonated with at least a few other experiences, as the way he

performed his professional duties came up unsolicited in discussions with a permit reviewer and a practicing architect, who from their own experiences appreciated his characteristic clarity. For Raymond however, this could be troubling, for instance, when he would find himself with a permit application on the same street as a colleague who was reviewing another application and they would differ in what they demanded from the respective applicants. The architect-officials and permit reviewers recounted how applicants confronted them and argued their case because a neighbor or other construction had been granted permission to do a particular kind of construction. This sometimes caused unease for those carrying out the review and contributed to difficulties when motivating refusals.

The work of assessing permits conformity with the regulations relating to architectural elements entailed a kind of piecing together that built on a wide range of possible connections beyond the regulatory framework. Applicants who argued in support of their applications by showing evidence from the existing built environment brought attention to the many potentially conflicting elements that mingled in the assessment of rules, and that could be made meaningful when it came to arguing for what constituted ‘coherence.’ In addition, it manifested the convoluted character of time, as previous regulations combined with irregular modifications left marks and traces in the built environment. These traces would occasionally be included in the evidence offered by applicants regarding what the ‘existing’ environment consisted of and used as motivation as for why their proposal should be considered acceptable. Senior permit reviewers, who had seen more than a few plan modifications pass through in their time, were sensitive to the temporal and spatial layers of regulations. Caroline demonstrated this on one occasion when we took a virtual walk along the city streets in an online map application. She was virtually walking along a street in the *Ville de Pierre* when she arrived at a point corresponding to the area that we meanwhile observed on the regulatory map. Commenting live on what we saw on the screen, she described how “here we have typical lower *échoppes* [we walk forward virtually], but then there are also some extensions on the height (*surélévation*), but that’s old...” The revised plan had become stricter on what kind of floor elevations were allowed in areas dominated by *échoppes*, motivated by the ambition to guard the visual scenery of sequences. What we saw on the street that Caroline noted, was an added floor that stood out because it had a different façade material, windowpanes and roof inclination than the surrounding buildings. It was, she asserted, something that would not have ‘passed’ today.

Raymond confirmed what permit reviewers had indicated about how the number of files to review had increased more than the number of officials involved. The architect-officials’ workload had also increased when their department was

absorbed by the metropole administration and thus became available for use by all member municipalities, most of which were not accustomed to having architects review part of the permit applications. Motivating a refusal based on the level of integration of a building in its surrounding was a challenging endeavor, as Raymond suggested. Nevertheless, it was something that certain mayors were keen to do. A reason for this, I was told, was that other municipalities did not have the established pre-application review like Bordeaux. The pre-application committee provided a venue for officials to influence what applicants included in their drafts beyond the reactive approach of simply refusing permit applications. Other municipalities used the architect-officials to cancel applications they deemed undesirable, for different reasons. One architect-official explained that:

Often, the files that other municipalities [than Bordeaux] ask me to review are permits that they don't want. They use me to prepare refusals. [...] But they don't explain to me why they don't want the particular project, what there is behind this expectation of the politicians (*les élus*), is it the density, is it because they can't stand the developer, or is it because of the apartment buildings (*collectifs*)...

Some of the concerns that motivated refusals, as the architect-official suggested, circulated widely in public debates about the urban development in the city. Current residents formed vocal groups that criticized the ongoing densification scheme, and mayors were attentive to their discontent. Previous experiences with developers and architects also informed the mayors' perceptions of project proposals. And the construction of apartment buildings conflicted the degree of densification and building heights that appeared to be accepted by the resident groups and politicians. In principle, there was, as Perrine noted in the introduction and Raymond suggested above, always something in a permit proposal that could motivate a refusal. This capacity offered by the aesthetic regulations was mobilized as a motivation to refuse permits that were unwanted by mayors for reasons other than their architectural features.

The centrality of the aesthetic regulations and the effects that the internationally renowned value of the city center has had on local urban politics should not be glossed over. The use of *Article 11* was tightly enmeshed with the objective to enhance the city's architectural style as an asset for economic growth. From the 18<sup>th</sup> and 19<sup>th</sup> centuries, when the city was prosperous and growing and through the second half of the 20<sup>th</sup> century when it was in a period of decline, the architectural heritage is yet again a pivotal symbol for its reinvigorated sense of grandeur. Initially, this was primarily the case in the municipality of Bordeaux, but the importance of

architectural heritage was increasingly picked up as an asset also by neighboring municipalities. The officials doing the inventory were being called to other municipalities to identify historical buildings in their territories and translate that into regulatory schemes. However, the *Article 11* was also involved in stakes around municipal authority and legitimacy towards a constituency. Recall how mayors used the number of permits they had recently refused, which I wrote about in Chapter 4, as a sign of their capacity to counter the politics of the metropole, including construction projects. The land-use plan, constituting the legal basis for permit decisions, ensured the existence of a certain degree of rigidity in terms of diversions from the regulations that could be motivated and remained grounded in the formulations in the PLU. The regulations on aesthetics were a pocket of flexibility within this relatively rigid scheme, providing an opening where officials had the potential to manipulate outcomes that was at least occasionally used to ensure that undesired permit applications, for whatever reason, were refused. They offered a manipulative potential towards which quantitative regulations and detailed speculations were less open. Applicants, particularly developers, had become well acquainted with these manipulative uses of the plan and were discontent with what was seen as the arbitrary application of *Article 11*.

### **Negotiations or abuse of power?**

A couple of months after the revised PLU had come into force, I participated in an educational workshop held by the urban planning agency. The title of the workshop was “prepare projects with Bordeaux Métropole’s PLU 3.1 (*Faire projet avec le PLU 3.1 de Bordeaux Métropole*).” Planners who had been involved in the preparation of the document ran the workshop. The agency addressed developers, government workers and anyone involved with the PLU as potential beneficiaries of the workshop, which promised to inform about the objectives of the plan and the ways through which a prospective permit applicant could go about planning their project in respect of the plan. The agency organized different workshops on themes that their staff was currently working on, in their capacity as experts in different issues and methods relating to urban development. As a private agency receiving financing from the clients that used their services, primarily public authorities, the workshops were

another source of income.<sup>58</sup> The metropolitan officials that I spoke to suggested that it was questionable that the agency brought in revenue from a document of a public administration they did not own (the PLU). Their comments related to the gradual shift of the document being prepared more and more internally in the metropole administration. Meanwhile, agency planners reasoned that the plan was comprehensive and complex, and urban actors should be more educated on how to use it for the benefit of everyone involved. These different views fed into the tension between the plan as a document that catered to the interests of local government politics and as a document meant to improve the quality of the built environment it regulated.

There were almost ten participants in the workshop I attended, including a few recently hired employees of the agency. Participants occasionally went over to a table filled with croissants, water, coffee and orange juice. Towards the afternoon, however, these sweets and caffeine supports were not enough to keep the level of attention up and maintain the curiosity of participants. The atmosphere eventually became more characterized by fatigue and to some extent irritation, which was fueled by a topic that first surfaced in passing and then became the subject of discussion.

Leila, the planner from the urban planning agency who was well acquainted with the intricacies of the plan after having been in a central position during its preparation, explained to the participants how the agency had worked with the morphological rules such as volume, height and distance from the façade to the border of the plot. Separated into different articles in the former plan, these regulations were clustered into one section and one table in the revised version. It seemed more intuitive for the application of the plan to do it that way, she explained, and justified the choice by assuring that “it worked, we tested it with architects.” For the developers who participated, this choice came across as less relevant. Instead, they asked about the formulations of the rules and the effects of what they encountered when dealing with permit reviewers. One person from a local franchise of a global real estate company, addressed the problematic interpretation that permit reviewers made of the formulation that says if a land plot is “sensitive (*susceptible*) to forest fires,” specific conditions apply. This, he complained, was interpreted as meaning that constructions are “prohibited (*interdit*)” if close to a forest, suggesting that the municipality probably did not want to take any risks, which in turn means

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<sup>58</sup> The urban planning agency charged participants 1200 Euros for two full days. My participation was no exception to that, which made me think that my interlocutors in the agency had by that time figured that I had institutional affiliation behind my research, which signaled that my work was more comprehensive than student homework.

that land classified as constructible is rapidly converted into non-constructible through unintended interpretations. Leïla, adopting a diplomatic tone to avoid conveying sympathy for either side, suggested that the formulation is perhaps “too vague.” The real estate developer firmly disapproved, extending his critique beyond the specific example and claiming that overall, the wording of the rules is “vague (*flou*)” and “subject to interpretation.” Shifting her tone, Leïla staked out a differing understanding: “I wouldn’t say that they are vague, but they are more flexible (*souple*).” In response to her adversary who suggested that the vagueness seemed to be intentional, she firmly rebutted: “I assure you it is not on purpose.” “But you wrote the rules...,” the real estate developer concluded. Their exchange illustrated the fragile alliances through which the PLU operated. At this stage, with the revised regulatory framework in force, the division of labor is such that Leïla and her colleagues who participated in the plan preparation could do nothing more than watch the plan take a life of its own from a distance. The life of the plan, and the effects of the intentions behind qualitative rules that were to be adjustable to the specific setting in which they operate, unfolded through relations and interpretations among permit reviewers, architect-officials and local politicians involved in permit review. Based on repeated conversations with Leïla throughout my fieldwork, I sensed in her response to the developer a certain degree of regret over the ways the plan was put to use. This latter aspect became more apparent as other participants, who had nodded in agreement to the suggestion that the regulations were subject to questionable interpretations, joined the discussion.

Another participant from a local real estate agency brought up what he found problematic, which shifted the conversation from specific regulations to the permit review procedures. “I’ve had cases [of permits] where it’s ‘no’ [refusal] because of *Article 11*. I went to see the mayor who said that it’s a no, without an explanation why,” he shared, gesturing to show his confusion by raising his eyebrows and lightly shaking his head. He continued, saying this happened sometimes before, “but now it’s all the time – there is the rule (*la règle*), and there is the negotiation (*la négo*)” he said, suggesting that there was a widened gap between what the regulations posited and what expectations were communicated in the negotiations held with municipalities. The reference to negotiations came out not as a description of something that the developer felt he was a part of, but to mimic how this notion was often repeated by local politicians’ speech on how urban development should take form. Again, the others nodded in agreement to what he shared. The participants seemed to wait for an explanation. After all, it was promoted as a valuable workshop due to the expertise that Leïla and her colleagues had about the land-use plan in their capacity as plan makers. Throughout the day, they would speak from a ‘we’ who

made choices based on specific intentions. In response to the tendencies noted by the participants, Leïla suggested that they were due to practices outside of their realm. “Sometimes, it’s that article, but in fact it’s the height...,” she said, adding that “we are powerless against those kinds of uses.” Her closing words took the air out of the discussions. My reading of the situation was that for some of the participants, who seemed to have come with the expectation of gaining insight not merely into the content of the plan but also how it is actually put to work, it became explicit that they would not get more information of the kind they sought for. It might well have been that some participants had hoped for insight into how to handle the mayors’ seemingly irregular responses to permit applications and they understood then that their quest for clarity would go unresolved.

An outspoken planner that I met on another occasion for an interview, who was keen on sharing his analysis of the latest moves and proposals from the metropole and municipalities, shared that he was regularly contacted by developers who complained that the building volume of their proposals was consistently lowered in relation to what the PLU allowed. This had severe economic consequences for developers as well as for individual property buyers, since land prices tended to be based on the level of development that the PLU allowed. The anxiety among mayors regarding their ability to make their mark on proposals thus jeopardized the calculations that land transactions were based on. “It’s an abuse of power (*abus de pouvoir*)” he argued, and noted that he saw tendencies in certain municipalities that permit reviewers “start to censor before the mayor has seen the project,” which meant that the land law departments, which were supposed to base their decisions on the PLU, were also bending to the viewpoints that they expected from their politicians. While I did not observe this myself, it is certainly conceivable, just as other aspects of political preferences, for instance the architectural aspects, were incorporated into the ‘doctrines’ created in land law departments.

The exchanges in the workshop resonated with what seemed to be a sliding shift towards more discretionary uses of regulations. As I have mentioned, permit review was a realm premised on interpretation. However, developers, planners and some officials signaled that another realm of subjective appreciations that connected to arbitrary uses of rules for the achievement of various purposes was becoming more common. The arbitrary dimension was manifested as the use of regulations in ways that, in respect of planning law, would have to be left unspoken. Many actors in urban development in Bordeaux seemed to know that mayors were involved in defining permit decisions on questionable grounds, and mayors unabashedly mentioned that they were refusing numerous permits to earn legitimacy as local leaders for their constituencies. However, the ultimate reasons for permit refusals

would be left unspecified and framed in a justification based on architectural incoherence. These kind of practices belonged in that sense to a collection of what Herzfeld has called “cultural intimacies” (2016), as they rendered visible flaws in the planning system relating to the occurrence of mayors’ exercises of power going beyond their formal mandate. These practices were known among planners and permit reviewers and to some extent also among developers and applicants, but they were rarely explicitly evoked. Judging from ministerial documents reporting on the intended uses of qualitative rules and *Article 11*, the capacity that they offer in terms of motivating refusals on a variety of grounds was not their intended purpose. These reports on permit review and the *Article 11* underlined the importance that such regulations are clearly defined and specified, and they explicitly denounced “arbitrary (*arbitraire*)” uses of them (Conseil général de l’Environnement et du Développement Durable, 2010; Direction générale de l’Aménagement, du Logement et de la Nature, 2017). Nevertheless, it was partly those kinds of practices that the national planning policies were used for in the Bordelais planning bureaucracy.<sup>59</sup>

The exchanges, when viewed from Leïla’s position and her demoralized suggestion about the regulations being used for a variety of purposes, brought attention to the fact that reading the plan as an expression of what local politicians wanted in terms of development, or even as an expression of the particular rules that must be complied with for an approved permit, would be misleading.<sup>60</sup> Taking this perspective underlines the fact that rules are never translated in a straightforward way but are used and mobilized for specific purposes that may be other than the original intention or their apparent meaning. Moreover, it was evocative of the somewhat adversarial relationship between politicians and planners. The planners’ intentions with the qualitative rules were formed around ambitions to make them

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<sup>59</sup> That *Article 11* was a heated subject was known to the national government, judging from a ministerial report in 2010 titled “Influence on the architectural quality through the regulations of urbanism documents: On correct uses of the 11<sup>th</sup> article in the Plans Locaux d’Urbanisme.” This report states that a problem identified among practicing architects is that mayors use it to render constructions uniform and hinder architectural creativity (Conseil général de l’Environnement et du Développement Durable, 2010). This indicates that policy makers on the national level were familiar with that the *Article 11* was used for a variety of purposes.

<sup>60</sup> I want to add that what I am describing in terms of events here does not suggest that public authorities or mayors are necessarily holding all the cards in deciding on land uses, as I described in Chapter 6. What I show is how, in the realm of land-use authorizations, there are ways through which mayors can mobilize authority over decisions in spite of the land-use plan. Land uses and developments are defined by far more factors, and in a range of arenas beyond permit related issues.

adaptable to different settings and elements to favor the evolution of already diverse urban morphologies and living environments. However, what was at stake in permit procedures was not only the outcomes in terms of constructions, which according to the land-use plan were to address diverse issues (e.g., affordable and accessible housing, sustainable development and qualitative living environments). At stake was also the issue of authority, and the ambitions that planners had invested in the plan, which were infringed upon by local politicians.

### Strategic permits and tensions across the temporalities of legitimacy

In trying to understand how officials made sense of mayors' involvement in review procedures, I came to note how certain applications that permit reviewers worked on received particular attention from mayors. These were referred to as "strategic permits (*dossiers stratégiques*).” While these frequently related to larger scale projects, smaller projects were also occasionally referred to as "strategic," which implied more 'political' than 'technical.' I spend the remainder of this chapter on these strategic permits through which tensions between the legitimacy of a decision, exerted through bureaucratic structures on the one hand and through local elected politicians on the other hand, played out. A permit reviewer illustrated this tension when describing how permits regarding smaller size constructions could become strategic, such as when:

They [applicants] have received a refused permit application, based on, for example, the architectural aspect. Sometimes there is a bit of mediating with the politicians (*les élus*) in an ambition to find a compromise. [...] It has happened that there are meetings to try and find a compromise, an accordance, which both corresponds to the PLU and allows the project to progress.

I asked what prompted the willingness of politicians to engage with the cases of private individuals. The permit reviewer suggested that "the pressure related to elections which is different between the politician and the expert (*technicien*<sup>61</sup>), although, *fin*, the idea is not to give special favors (*faire du passe-droit*) and all that," he answered. However, he promptly added, seemingly to nuance the gravity of the

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<sup>61</sup> Permit reviewers sometimes used *technicien* in place of *instructeur* and *fonctionnaire*, which implied the role as a professional expert, in this case within the field of land law.

suggestion, that these were special cases and that the absolute majority of the time, mayors sign the decisions that the land law department has prepared without asking for decisions to be altered. Nevertheless, there was a certain tension at play in permit review that oscillated between the permit reviewers' judgement as experts who assure the legal accuracy of decisions and politicians' sensibilities toward the constituency as locally elected representatives.

The arrangement around the strategic permits could differ. Sometimes the head of the land law department functioned as a mediator, other times permit reviewers were directly in touch with mayors or their delegates. The latter was the case with a file reviewed by the permit reviewer Sarah, which was submitted by an applicant who wanted to substitute the framing of the entrance door to her shop. However, the applicant had provided inadequate documentation. Based on the provided illustration – a print screen from an online map program depicting the entrance door with low resolution and slightly hidden behind a tree – Sarah was unable to proceed. She would have preferred to send a letter to the applicant requesting that she provide complementary material. Instead, she received the applicant in one of the booths on the entrance floor of the *Cité municipale*. For over twenty minutes, Sarah tried to diplomatically explain the required documentation for the eventual decision to be properly prepared to the shop owner, who was visibly anxious about all the necessary paperwork just to get permission to change a door. When we left the meeting, Sarah's patience was replaced with irritation, as she shared the reason why she received the applicant in person: "she [the applicant] had gone to the mayor, so the mayor wrote to me that the file should pass rapidly. I don't like it when they do that..." The reference to the 'mayor' should here be understood as a set of relations among deputy mayors and officials who work in favor of the demands of the mayor, rather than as an individual person. What Sarah talked about was a gentle nudge to help the file make its way through the process more quickly to what was very likely to be an approval as soon as the paperwork was in order. On several occasions, I found myself with permit reviewers who were handling permits that they had been asked to expedite. While this was a source of frustration among some in the land law department, other officials expressed a view that the mayors' involvement in permit applications was a matter of local democracy.

Several officials with whom I spoke about the involvement of local politicians in defining the course of building permits reasoned that it was important as an expression of their relationship with their constituency. Inès, the official working on the architectural elements of the historical areas, told me about an occasion where she discussed the rules for the older areas in Bordeaux – which she had done in writing – with a property owner. The owner was very irritated and complained about

the particularly rigid restrictions that applied on modifications of buildings in this area, she recalled. The source of irritation turned out to be that he had received a refusal on a permit application he sent in to extend his house on the same street. “I understand his critique, but it is the political will,” she said with an intonation signaling that there was nothing more to say on this subject, other than that the political objectives behind the rules legitimize their existence. After a slight pause, she continued, seemingly without judgement, “he won (*gagné*) later, he went to see the mayor.” The he “won” meant that his demand for an extension of his house was approved, as she suggested, by discussing directly with the mayor. I took the opportunity to ask what she thought about the practice of mayors influencing building permits, a question I was confident asking since it had been problematized in conversations with other officials. She responded that “it’s a good thing, they are elected” in a steady manner, adding that: “it’s important that the citizens (*administrés*) can interact with the mayor.” I noted how I had charged the question with an assumption that direct political influence over the course of a permit should be avoided rather than being handled by permit reviewers within the formal planning arrangements. Her response came out with a tone of disapproval and a terse refutation of what I was insinuating with the question – that such exchanges may be questionable. It called to mind how naive questions about potentially contentious issues can be illuminative of cultural intimacies since, as Tania Murray Li has noted, “only a dogmatic outsider, lacking or refusing cultural intimacy, unattuned to the way things are said and done, would insist on pointing this out” (1999: 309).

I got a glimpse into how the mayor-resident relationships were present in the local political life during a public consultation day organized for the planned redevelopment of a large zone in the north of Bordeaux. Waiting for the mayor to enter the room to summarize the discussions of the day, I chatted with two middle-aged men who discussed what solution was best: to cluster apartments of social housing programs in separate buildings or include a percentage of social housing in each large housing projects to mix different forms of tenure. Their discussions echoed concerns that I had heard in relation to appeals against permits regarding social housing, and indications that certain mayors – particularly in areas with a low percentage of apartment buildings – were reluctant to approve permits for social housing. A senior woman overheard our conversation and chimed in, firmly arguing that the mixing of tenure forms was problematic and sharing her own experience of having neighbors she described as unpleasant. She had spoken to the mayor about this on two occasions and, she assured, he was attentive to the problem. A pathway started to form in the midst of the crowd where we stood close to the entrance door, and as the mayor approached with his entourage, she eagerly repositioned herself to

reach out her hand when he came closer, which he received with a sign of recognition, asking how she was – *Comment allez-vous?* – and continued forward. This rapid exchange was evocative: the woman, as a resident, felt that the mayor had registered her concerns, and the mayor obviously knew the importance of showing attention. Local politicians' recognition of residents' concerns was indeed an important piece of intimacy in the formation of concerns and politics in the planning bureaucracy.

Inès's firm position that residents should be able to access mayors, and through that influence planning decisions, could be understood as one position emphasizing a certain function of local democracy through pressure on mayors. The permit reviewer who cautioned that planning decisions should not be done through "specific favors" emphasized another function of democracy as assured through state bureaucracies guided by fair and coherent treatment of files, instead of pertaining to particular or individual interests. This line of tension runs through the French planning and government system, for instance, in planning arrangements that place importance on the certainty and legality of decisions to reduce the abuse of power and government arrangements whereby mayors sign building permits for which they are ultimately responsible for the consequences. The different viewpoints on mayoral involvement in permit decisions can be read through Rosanvallon (2006), who suggests that there are inherent tensions within democratic legitimacy which become actualized through its operation. He proposes that "forms of democracy have their own connection to the plurality of temporalities" (2006: 48). Working with this reasoning, Zakhour and Metzger (2018b) have discussed how public mobilizations, a category in which it is possible to include applicants' pressure on mayors regarding specific permits, relate to briefer political temporalities, while bureaucratic proceduralism and rule of law belong to more extended temporalities. The main takeaway is that both dimensions are important to balance the diverse temporal imperatives of democracy, but overemphasis of either will have potentially damaging consequences on the fragile construct that is democratic legitimacy. Both of these legitimacy-temporalities at play in permit procedures were represented by the perception that mayoral involvement and the legal-technical operation of the bureaucracy were legitimate foundations for permit decisions. Officials reasoned their way around this tension from a position that I understood to be founded on both their role as servants of a state bureaucracy and as residents themselves in the city where they encountered the functioning of the local government in other moments as urban inhabitants.

## Discussion

This chapter started with a description of the architectural context that had come to take on a prominent role in the way that the planning bureaucracy handled modifications in the built environment. Drawing from Dilley's (1999) suggestion that contexts result from the making of connections and disconnections and what Asdal and Moser (2012) note about the role of practices in their formation, I showed how the architectural expertise had established specific features as central to what constituted an architectural context in relation to which new permit proposals were to be considered. This architectural context was not self-evident. It would be more accurate to say that it resulted from efforts of selection and alignment, through identification and documentation, to translate aesthetic features into regulations to make the valued elements actionable in the realm of permit review. While these material specificities unquestionably preceded the formation of this context, its existence in terms of the evaluative importance within land-use regulations was the result of the practices of officials and political aspirations to valorize the aesthetic legacy of the city's history as an asset to its urban development.

In identifying an architectural context, I have necessarily excluded a plurality of contexts that coexisted and competed for attention, just as Asdal and Moser (2012) note that knowledge production (including research practices), unavoidably involves a level of reduction. Though the architectural context was relatively stable in the sense that it operated as a set of shared appreciations with clear effects, it was no static or coherent construct. Architect-officials' appreciations of building permits could differ. Officials from other departments would give more importance to other connections across the urban environment: biodiversity sites, affordability of accommodations, catering for energy and heat services and accessibility of mobility options, to give a few examples. Permit reviewers' readings of regulations would further alter how new connections were forged between rules and the built environment through applications. Moreover, the architectural expertise continuously remodeled connections, which was visible for instance in the way regulations changed through different iterations of the plans. They left various traces in the built environment that permit reviewers, in retrospect, judged to be irregular and unacceptable if they were to be reviewed through the lens of the most recent regulations. Meanwhile, different perceptions of what constituted the relevant context in question were evoked through applicants' claims and attempts to demonstrate why specific aesthetic renderings should be considered to be coherent with the existing urban morphologies.

Fashioned in a language about catering to a qualitative living environment for the city's residents, the heralded architectural context worked in concert with the political majority's aspirations for Bordeaux to be featured as a stellar example of exemplary urbanism and attract investment. If that was one aspect of how the architectural contexts were mobilized, another regarded their function as pockets of flexibility implicated in the mayors' demands for a contextualized plan. The regulations drawn from the architectural context offered an outlet for the variety of interests hosted in desires for municipal contextualization of the course of planning procedures. These interests could stand in conflict with the broader objectives invested in the PLU and agreed upon during the plan preparation. Often, they tended to hinder construction of denser housing buildings and reduce heights of buildings. Other times, they had to do with personal and political relationships between mayors and developers as well as individuals and groups of citizens. The kind of flexibility that these architectural regulations offered had consequences in the temporal distribution of different procedures relating to permit review.

The kind of flexibility offered by the architectural regulations was important to the functioning of the pre-application meetings that I discussed in the previous chapter. The voluntary basis on which applicants participated in the pre-application committee became necessary precisely because of the potential sanctioning at later stages of a permit, for instance through a refusal under the coverage of architectural incoherence. What to applicants appeared to be capricious uses of the regulations were to architect-officials and permit reviewers things that were necessary for them to play along with as they worked through applications. Bureaucratic encounters framed in terms of "certainty" and "necessity" may have little connection to anything other than the discretionary moves of individual officials or politicians Herzfeld notes but "they will nonetheless appear in the encounter as consequences of those 'absolute values' to which bureaucrat and client supposedly both subscribe and that neither can openly abjure" (1992: 163). The applicants' awareness of the potentiality of a subsequent refusal made the voluntary participation in fact a concealed necessity, for any applicant keen on securing the best possibilities for the approval of their permits. Nonetheless, there were occasions when applicants who were developers openly questioned these practices. One of these occasions was among real estate developers at the workshop. Other occasions were when permit reviewers and agency planners hinted at these practices when I met them for private conversations. However, in encounters with applicants they would push the necessity to adhere to the precise and clear regulations, and applicants would be inclined to play along with the rules of the game, aware of the potential damage that could otherwise be caused.

Overall, growing attention to the arbitrary dimension of permit decisions surfaced as planners and developers spoke of the varied uses of *Article 11*. In the sense that Saussure proposed, there is an inherent arbitrary dimension in language between the signifier (the uttered or written regulation as a concept) and the signified (the construction or material presence to which it refers). This necessary degree of arbitrariness was present in the formation and uses of the architectural context, I argue, but there was also another level connected to the potential power abuse of mayors at stake, the kind of abuse that the planning system initially had been developed to preclude. The possibility of influencing mayors, and consequently their authority over local issues such as building permits, was perceived by certain persons in the planning bureaucracy as crucial for local democracy, in line with the momentary dimension of democratic legitimacy suggested by Rosanvallon (2006). More than legitimacy, pressure on politicians in different forms can be a crucial means for diverse communities to gain access to public services, rights that state bureaucracies sometimes ignore, as Nikhil Anand (2011) has demonstrated. The tendencies that I noted in land-use politics in Bordeaux, however, tended towards favoring particular interests among individuals and groups of – in general – quite privileged citizens with resources to mobilize a pressure campaign on politicians for their own benefit.

The issues that residents, as groups conjured by politicians, were most sensitive to regarded building heights, construction of apartment buildings and parking spaces. While these issues surely could matter to any resident, they tended nevertheless to be most pressing for the constituency constituted of private property owners whose stakes in the modified urban environment were entangled with house and land ownership. Rather than guarding the longer-term perspective of democratic legitimacy and general interests (diverse as they are) that the bureaucratic structures of planning procedures were expected to ensure, the arbitrary connections of permit decisions tended to attend to these particular interests. They were evocative of the risk of patronage in the form of the “special favors” that one administrator argued should not be handed out.

## 8. Conclusion

The last interview that I did during my final stay in Bordeaux in autumn 2018 was with Edmé, the former official who had been involved in the first years of the plan preparation. Our conversation touched on the initial years of hopeful ambitions among planners and concerns over the mayors' intentions with the more flexible plan. Edmé provided a disheartening account of the collective efforts and aspirations of planners and officials toward a revised original land-use plan invested with hopes to provide an improved means to coordinate urban development. The practices entangled with the plan's implementation dashed the hopes of its success among planners. From our conversation emerged a sensation of having witnessed the rise and fall of a land-use plan, a feeling which resonated with the observation by Abram and Weszkalnys that the "future promised in plans seems always slightly out of reach, the ideal outcome always slightly elusive, and the plan retrospectively always flawed" (2013: 3). Leaving Edmé's office, walking the narrow streets between the limestone façades of the buildings, some of which had stood there for well over two centuries, the heterogeneous temporalities that intersect through plans and urban planning came to mind. Throughout the years, the buildings, streets, vegetation and pedestrians had all figured in numerous plans, both in material and immaterial forms. The revision of the PLU and the interlinked practices and intentions were but fractions in a continuous flow of past and future plans and intentions leaving marks on the built environment and perceptions of the city. The land-use plan would continue to operate through the work of permit reviewers and figure into the configurations of practices with a variety of effects. But for my part, as my doctoral studies come to an end, I now have to halt the scope of the contextualization of the Bordelais planning bureaucracy that I have engaged in, which I do here in a concluding discussion of the issues raised throughout the preceding chapters.

This study began with my encounter with a number of boxes containing copies of Bordeaux's land-use plan at a stage when it was yet to be approved and put into use. When taking in its cumbersome physical presence, I zoomed in on the objective which appeared in the plan's strategic centerpiece, which said that the plan was "adapted to context." This objective captured my attention because it included a notion central to both anthropology and planning theory and because it indicated that the planning bureaucracy was actively relating to contexts as a subject of urban planning. From this initial encounter, I formulated the following questions that guided my analysis: first, what does the contextualization of legal-bureaucratic and political contexts of plans reveal about contemporary urban planning in Bordeaux? Second, how are contexts and temporalities mobilized by different actors and

towards what end within and around the planning bureaucracy? My exploration of these two questions raised a third question, about what can be learned from paying attention to how urban actors mobilize divergent understandings of the notion of ‘context’ in urban planning processes. I address these questions following a recapitulation of the points made throughout the chapters.

## Summary of the chapters

To unpack the bureaucratic contexts at work in French contemporary urban planning and address the first question, Chapter 2 took an historical perspective. I traced the emergence of the French planning system to a government administration formed around rationalism, certainty and legality where the legitimacy of planning decisions was secured through bureaucratic formalism. The legacy of land-use plans in this planning system placed importance on prescriptions and proceduralism, which was challenged through the emergence of the *projet-rationale* in the 1970s. The demand for more flexible, collaborative and prospective procedures eventually crystallized into the planning reform *loi SRU* in 2000. In Chapter 3, I showed how these shifting planning ideals played out in Bordeaux around the time that their land-use plan was undergoing revision. Local politicians and planners depicted the kind of land-use plans they had prepared as outdated and static, making up an obstacle to achieve the desired urban development. Put bluntly, bureaucracy came to symbolize disfunction, and in relation to that, more supple and flexible plans and procedures were highlighted as a solution for better outcomes. In order to investigate how contexts and temporalities were mobilized by different actors, Chapter 4 examined the intentions endowed in the idea that the plan was “adapted to context,” which appeared to differ. For agency planners, it was primarily about developing rules that could be adjusted to diverse settings that would ensure that urban development progressed in a way that was sensitive to the existing living environments. For metropolitan planners, the notion implied that the plan was to respect local particularities while still serving as a common metropolitan plan, in contrast to fragmented municipal plans. For local politicians and mayors, the notion of adaptability in the plan related to concerns about the degree to which they could reevaluate permit decisions based on municipal concerns even if there was a common, formal metropolitan plan in place. In that sense, the contextualized plan was about allowing the manipulation of permit decisions *in lieu* of any specific content in the plan.

In order to examine the ways the PLU operated in relation to the critique against its bureaucratic rigidity, Chapter 5 focused on the work of permit reviewers in the land law department where the land-use plan took an important position as the basis for issuing building permits. I showed how permit reviewers evaluated and established links between applications and the regulatory framework in line with what Cooren (2010) writes about documents being spoken through and, in that way, rendered effective. The relation also went the other way: it was by speaking through the plan that permit reviewers ensured that permit decisions were endowed with authority. Their interpretive labor took shape through textual practices of piecing together formulations and illustrations in documents, as they activated the same rules in relation to different construction proposals. While the PLU influenced the course of permit review by framing what rules applied, it did not determine the course of events. The discrepancy between permit review practices and depictions of the plan as a document that operated independently through bureaucratic rigidity indicated that the demand for a more flexible plan embodied stakes that sprung from other sources than the ways the land law department actually worked. Attention to the legal-bureaucratic and political contexts in which land-use planning operated thus suggested that the permit review was assigned an elevated degree of importance within the political-administrative arrangement of metropolitan land-use plans that limited the ability of member municipalities to maneuver in their application of the plan. Following the indications in Chapter 4 that the aspirations to influence permit decisions overlapped with the objective that the plan was contextualized, the remaining chapters focused on the practices in relation to the permit review.

Chapter 6 explored the exercise of authority on permit applications by means of a pre-application committee. The committee was organized as a preliminary discussion step on proposals prior to them being formally filed as permit applications and drew on the capacity granted to mayors as the ultimate signatories of the decisions. Meanwhile, the revised regulatory framework arrived with an expectation that permit reviewers would consider the “spirit” of rules in the review process. This meant that they should apply the rules in favor of the objectives they had been entrusted to achieve, optimally through discussions with applicants to adjust the application of the rules for the specific construction project. I observed that practices in the committee and the permit review process indicated that the planning bureaucracy placed emphasis on its capacity to influence the content of permits through performances of authority in settings framed as negotiations and discussions. However, the reliance on pre-application discussions and the “spirit” of the rules represented a fragile form of authority. The achieved permit decisions risked being undermined in the eventuality that a decision was appealed, since its

accuracy would then be evaluated based on the formulations specified in the plan. These were formulations that the permit reviewers were concerned about staying close to when evaluating permits, and that in the pre-application review were to some extent used as leverage for negotiations. In Chapter 7, I further explored the tendency for the permit process to unfold through procedures other than the permit reviewers' confirmation of their correspondence with the PLU. Rules pertaining to architectural qualities functioned as pockets of flexibility, offering opportunities to motivate refusals based on a range of issues beyond architectural concerns. Together, the pre-application practices, the permit reviewers' attempts to interpret vague rule formulations and the selective deployment of *Article 11* to influence permits tended to open the door to decisions based on arbitrary connections. Once the plan was adopted, the planners' intentions that the revised regulatory framework would allow creative applications of rules to improve construction proposals were overshadowed by a tendency to deploy the rule formulations to advance municipal authority. The sentiment that emerged during my last interview with Edmé reaffirmed this analysis of the course of the plan's career from the desks in the planning unit and urban planning agency to the land law department. However, it did not suggest that the plan should be considered insignificant or a failure. Edmé's reflections were relating how the politics of planning documents are not necessarily manifested in the plans themselves, but in how they are employed and engaged with in different ways. Instead, the plan of dashed hopes brought attention to how different and sometimes clashing contexts intersect in urban planning and how urban planning activities themselves are part of contextualization moves of political dimensions.

## Clashing contexts

By following the course of a land-use plan over a period of time while tracing its historical-political legacy, I have not only investigated the preconditions for how a plan operates and is put into use, but also how it is circumvented in a variety of ways. By eschewing the teleologies of planning procedures and entering into an analysis of the land-use planning and permit review process in different phases, I have shed light on how urban planning unfolds in an intersection of clashing contexts and overlapping temporalities. While the redistribution of competencies and financial powers favoring intercommunal organizations undertaken throughout the last decades in French urban planning introduced changes, the local government and planning reforms affecting land-use planning were precisely that – *re-forms*. The reforms introduced new elements and rearranged previous ones. The legal-

bureaucratic context continued to play an important role in permit procedures with an emphasis on the accuracy of decisions depending on their anchoring in the PLU. Meanwhile, the altered rule modalities introduced in the regulatory framework placed a greater emphasis on adjustable and flexible dimensions of procedures. In the everyday use of the plan, the previous and recent arrangements of the revised PLU coexisted, but they also clashed in different ways between what I have crudely depicted as legal-bureaucratic, political and technical contexts, as framed in my first research question.

One clash occurred between the legal-bureaucratic context of the plan and its role in political management. The land-use plan was arranged around a distribution of tasks where the political agenda (as set by elected politicians) and technical expertise (of the planners) had a role in preparing the plan; and once approved, the administration (permit reviewers) was tasked with ensuring permits conformed to the rules. In this way, decisions on land-use modifications were to be grounded in a view of the plan as an expression of political desires executed through administrative validations. This arrangement favored certainty, as a validated plan was established that applied to the actions of all parties (local government, permit applicants and third parties), and legality, as it ensured administrative decisions were in alignment with the law (the plan) instead of any other interest (as discussed in Chapter 2). By repeating these aspects, I do not intend to overemphasize the historical and bureaucratic legacy or suggest that the ideal scenario has been fully achieved at any point in time, but to reemphasize the way documents are entangled with different temporalities and always, even when newly published, entangled with different temporalities and pasts. It was to some extent this bureaucratic-legal legacy that local politicians and planners, both discontent with the previous plan as overly rule bound and rigid, were targeting by refining so-called ‘qualitative rules’ in the revised PLU.

Tensions between political and legal-bureaucratic contexts were pronounced in the permit review, which local politicians depicted as the epicenter of the plan’s negatively charged bureaucratic connotations. Meanwhile, activities in the permit review also pointed to a dissonance between the technical and legal-bureaucratic approach to the revised PLU. Planners intended for the qualitative rules to be approached as modifiable modalities on a case-by-case basis, whereas permit reviewers strove to transform these into sharable and repeatable formulas, what they called “doctrines.” Intentions for the new rule modalities to be used in a flexible and adaptable manner in a variety of application projects were thus not realized when the plan entered into the permit review procedure, at least initially, during the time that I spent in Bordeaux following the approval of the plan.

As a planning instrument meant to coordinate land-use in a non-discretionary way, the PLU was devised to have a level of status that would make it the basis for permit applications over the course of several years. Permit reviewers, who strove for the establishment of shared and repeatable interpretations of rules that would guide decision-making throughout the time the PLU was valid, worked in favor of a coherent and extended application of the plan. The extended application of the plan within and across municipal mandate periods collided with a political management that sought a more dynamic level of control over land-use modifications. As the metropole's responsibility for plan-making was strengthened, local politicians' quest for greater control over permit decisions was actualized. Concerned with the experience of the former PLU that resulted from attempts to enhance the metropolitan perspective, mayors signaled that the revised PLU had to pay attention to differing municipal concerns, for instance counter the densification scheme that characterized the metropolitan land-use policies. In this atmosphere, with a metropolitan plan endowed with elements that ran counter to their desires and with a stronger intercommunal organization, local politicians showed a growing interest in the plan-making process once the revision started.

The plan revision began following the establishment of objectives by the national government to support an *urbanisme de projet*, with collaboration and flexibility as guiding principles. In Bordeaux, efforts for increased flexibility were addressed in the elaboration of the qualitative rules that both planners and local politicians celebrated. However, these rules were situated in another clash between political and technical dimensions. In their role as technical experts, the planners were concerned with the ways in which the plan would achieve desired outcomes and better living environments. With the perception that quantitative rules were failing in this regard, they reasoned that qualitative, adaptable rules were more suitable. Indeed, mayors would agree that adaptable rules were needed because they improved planning outcomes. However, the fact that these rules offered an opportunity to influence permits seemed to be an equally attractive aspect for the mayors. Encounters between cyclical municipal timeframes and the extended preparation and validity of the PLU contributed to cracks in the consistency of the land-use plan. Metropolitan officials involved in the plan-making process identified this tension as a "gap" between the plan as a technical planning tool and as a tool for political management. In terms of political management, the plan with its adaptable rules, together with the installment of pre-application discussions and other practices in which negotiations with applicants took place, ensured that municipalities could exert a certain authority permit by permit basis in relation to a plan prepared as a metropolitan vision. This aspect of the revised plan differed from the planners'

objective to imbue the plan with a regulatory framework that allowed permit reviewers to adjust the effects of rules in relation to the particular features for which they were invoked (vegetation, roof inclinations, land plot formations, etc.).

Examining the political and legal-bureaucratic contexts of urban planning in Bordeaux has shown how urban planning unfolds in an intersection of different contexts, which in turn are shaped through urban planning activities. This means that context, in Vicky Singleton's words, "is not an immobile, external framing device" but instead "generated in interferences between contexts" (2012: 427-8). The metropolitan plan played a role in reducing institutional fragmentation through collaboration between municipalities. But it also played a role in making permit review an occasion for the exercise of municipal authority which raises an ongoing question about the distribution of legitimacy of planning decisions. While mayors were part of the metropole and the municipalities, this dual position was rarely addressed. Instead, they tended to depict the land-use plan as the embodiment of metropolitan politics that encroached on the municipal interests and guarded the municipal level as the legitimate basis for urban planning decisions that had an effect on the everyday lives of their constituencies. The rift between the land-use plan as a technical and a political instrument played into this situation. The metropolitan PLU ran the risk of being seen as more technical in that it was produced by the metropole as a governmental entity with a well-equipped administration of expertise without directly elected politicians. In that sense, the plan served as a medium of support for the extension of the authority of metropolitan governance in relation to spatial, economic, social and political issues.

## **Context as a pretext to refuse**

As I noted in the introduction, many planning scholars have pointed out that no planning system works in practice precisely as it does in theory (Booth, 2005; Healey, 1997; Healey et al., 1999; Moroni, 2007). However, less attention has been given to the day-to-day relations and frictions within the work of planning bureaucracies, including the realm of permit review. Above, I suggested that the different kinds of contexts I outlined overlapped and influenced each other. The idea of a contextualized planning document and the temporal arrangements of land-use planning were also selectively deployed by actors in the planning bureaucracy to achieve different ends, as I set out to inquire in my second research question.

The pre-application meeting was an example of how temporal arrangements of planning procedures were mobilized in order to "contextualize" permits. It was

within these meetings that officials and permit reviewers pushed for applicants' draft projects to be twisted according to specific contextualizations of the existing built environment and the desires of the local politicians. The fact that mayors were the ones who would sign permit decisions prompted applicants to participate in pre-application discussions on their prospective permits. More specifically, applicants' participation in the pre-application meetings hinged on the fact that mayors could exert leverage that would ultimately result in the refusal of their permit applications. In Chapter 7, I described how applications could be refused on a range of grounds beyond what is specified in the regulations of the PLU by use of a set of architectural regulations that opened the door for varying interpretations, for instance, through the requirement that new constructions are "coherent" with the surrounding buildings. The pockets of flexibility within the land-use plan created by *Article 11* were used to counter the temporality imposed by the legal arrangement, whereby the ratified PLU was intended to serve as the main source for decisions during its validity. Meanwhile, pockets of flexibility, such as those that follow from *Article 11*, also enabled the creation of pre-application meetings during which the officials involved would attempt to influence applicants to modify the content of their draft projects.

Some officials suggested that the pre-application meetings were necessary in order to improve the quality of the constructions that applicants – developers – proposed. Others suggested that such practices were questionable as they relied on a form of bargaining where the public administration held the cards due to the ability to refuse permits on arbitrary grounds. In the practices that I observed, local politicians' involvement contributed to the exercise of a notable degree of discretionary power. This was the case when the flexibility of certain rules was mobilized to motivate refusals that were due to a dislike of a building's height or dimensions, even when the application corresponded to what would appear acceptable under the PLU. Moreover, permit decisions that built on vaguely formulated rules had the potential to lead to appeals that ultimately allowed the court define what a rule meant. This in turn implied a degree of arbitrariness in the meanings of rules at the moment of the permit review, through their potential inconsistency when reinterpreted by the judge towards the wording in the PLU.

Indeed, in the sense that it was bogged down with paperwork, formalism and regulations, the local planning bureaucracy, and particularly the permit review process, had characteristics of what would pejoratively be called 'bureaucratic.' In that respect, the critique against the bureaucratic dimensions of the planning system by local politicians resonated with tendencies across planning systems in Europe in search of greater flexibility to cope with uncertain futures and rapidly changing times. This critique also went hand in hand with attempts to increase private collaborations

and space for private enterprises and market logics to operate in urban development. In several planning systems, calls for the reduction of bureaucracy and inflexibility have been connected to the establishment of neoliberal modes of governance where local governments favor and participate in planning through a market-based approach, as Waterhout et al. (2013) and others have pointed out (see e.g., Allmendinger & Haughton, 2013; Olesen, 2014). These aspects were present in the French national government's *projet*-rationale on urban planning and in the organization of land-use planning in Bordeaux.

Meanwhile, the strategic use of temporalities and flexible rules in Bordeaux could be read as an opportunity to ensure a situation where the public administration gains influence over the course of urban development in the face of growth-oriented approaches to urban planning. The demand for flexibility in Bordeaux was entangled with attempts by the municipal governments to reassert the political authority they perceived as being ceded to the metropole. To a certain extent, this was also to ensure the retention of authority in the face of developers, who, according to officials, could get away with producing buildings without quality for the future residents if only the PLU was used as a regulator. However, the practices in Bordeaux also signaled that the uses of modalities connected to flexibility were potentially paving the way for patronage, and in that sense, attending to private interests. Planners and officials hinted at this fact when describing how privileged relationships with mayors could lead to re-categorization of land, that previously had experiences of certain applicants could result in rejections and that the interest in pleasing groups of discontent residents would inform the rejection of multiunit buildings. Adding to that the consistent rejection of buildings of increased heights, there was a pattern of what seemed to dominate the kind of issues mayors were keen to act on. The practices in the permit review highlights the importance of attending to the concrete practices through which the state is involved in the production of urban spaces and the effects of reconfigurations of relationships between planning actors, documents and legislations, as previously highlighted by Ong (2011).

There was a tendency in Bordeaux for the arrangements around permit review and the land-use plan to favor possibilities for mayors to intervene in permit decisions in ways that obstructed the intended capacity of the land-use plan to guard the democratic legitimacy ensured by formal bureaucratic procedures. That is not to suggest that 'more' bureaucratic procedures would per se be more democratic, nor that mayors' involvement or an emphasis on intercommunal decision-making would be more legitimate. What I am trying to point to is how plan configurations enable different fields of power distributions through which planning decisions are made. Dimensions of democracy regarding different scales and procedures of planning are

issues that planning theorists have grappled with previously and which continue to be the subject of debate. The experiences from Bordeaux show how such issues are at stake on a daily basis in the realm of permit review in France, a realm commonly overlooked as a 'purely' administrative task. My examination of the permit review process also showed that the practices coalescing in this realm of work significantly shaped the course of urban planning. The land-use plan and the rules that it set out influenced how permits were judged. However, it was through relations around rules among permit reviewers, officials and local politicians that the regulations were put into effect in a range of ways that sometimes diverged from the scenario of buildings that the plan set out to favor. Meanwhile, the ways that the rules were put into effect were to some extent all 'according to plan,' in line with the ambitions to ensure a grip over what construction proposals were approved.

The influence of mayors was certainly no recent phenomenon. In writing about the tendency for using the permit review to exert authority my intention has not been to insinuate that this practice is problematic. I have attempted to bring attention to the configuration by which urban planning unfolds and how it does so through the involvement of mayors who, as Booth observes, have a status "far higher than the resources and power he or she mainly commands would suggest" (Booth, 2005: 275). However, the extent to which their status is far-reaching depends, for instance, on the population size of their constituencies and their cross-governmental networks (see, e.g., Pinson, 2014). That the local planning practice unfolded in ways that differed from the formal depictions of planning procedures could be expected from the scholarship on bureaucracy through which I framed my analysis in the introduction. The use of flexibility for different purposes – as a resource to steer urban development and to attend to particular interests – highlights how planning arrangements can be mobilized towards diverse aims and have different effects. What I have shown are examples of how such relationships and interactions can be constituted in practice and the means through which influence is guaranteed. It has shown how plans can be used as devices to extend negotiations over which local particularities are to be considered and what specific contexts in different situations are deemed important in urban planning. This leads me to my final point, namely how planning as an activity plays a role in producing contexts and how this in turn is a process of power.

## **The politics of contextualizing**

The issue of context became significant in different ways in Bordeaux, both as a different field of forces influencing how urban planning unfolded and as an objective endowed with attempts to influence what “local particularities” were considered in the permit review process. The contextualization of land-use planning that I have undertaken suggests that the issue of context was present in Bordeaux before the planning bureaucracy became occupied with this notion as a part of its own activities. The urban planning activities participated in shaping what we can call contexts, by establishing links between certain buildings, plans, actors and elements, and separations between others. The formation of the architectural context that took precedence in permit review was a concrete example of how such contexts are elaborated. Any planning bureaucracy’s pretense to attending to or depicting a contextual particularity conceals a conglomerate of connections between certain elements, and disconnections between others.

While certain contexts acquired a stronger consensus such as that of the architectural elements, there was no consensus as to what contextualization as a feature of the land-use plan meant. Among planners, the plan’s novelty laid in the fact that it differed from the prescribing, rule-bound norms of modernist planning endeavors, while among mayors, this same capacity was seen as a value for the way it facilitated their influence on permits. The experiences from contemporary urban planning in Bordeaux point to what Seaver (2015) observes: it is in principle easily agreed that paying attention to different contexts is a good thing, but what it actually means, what ‘context’ actually implies, is where contradictions emerge. This was true among plan makers. Upon its validation, the land-use plan came through as a manifestation, at least momentarily, of a shared understanding among the plan makers. In fact, it was imbued with diverse intentions invested in the same notion, which suggests that references to ‘contexts’ cannot be presumed to be supported by coherent or consensual understandings. This was also manifested in the pre-application meetings, where applicants contested what architectural coherence meant according to the meeting representatives from the public administration.

Meanwhile, the notion of context also functioned in a uniting way. In Bordeaux, the idea of a contextualized plan was a space where municipal, metropolitan and specific planning aspirations could cohabitate and where different temporalities intersect (long-term planning perspectives, cyclical election cycles, experiences of past plans and contingent present-day concerns). The presence of this notion in the plan-making configuration resembled what Li (1999) calls a “compromised space,” where intimate knowledge about flaws and discrepancies in the operation of a state

policy is shared among different actors involved. Among plan makers, an awareness of the imperfections inherent in planning politics was exemplified in the officials' testimony about how the long-term strategic dimensions of the plan were undercut by the mayors' focus on the capacity of the plan to allow for the reevaluation of permit decisions. The contextualized plan became about the possibility to issue decisions on permit applications irrespective of their fulfillment of regulatory requirements and as such, the desire to contextualize was about the distribution of the capacity to define which contexts mattered and at what moment those definitions were made. The concern with contextualizing in Bordelais urban planning was in that sense about the distribution of the power to contextualize by weaving together different links and elements into specific connections. This confirms what Dilley writes: the "ability to define a context in a particular way or to initiate a series of contextualising moves in a particular direction can be construed as a political act in the light of the other possible" and as such, it is a "process of power" (2002: 454).

I suggested above that the contextualized, flexible plan tended to be interlinked with an arbitrary form of decision-making. In relation to my focus on the legal-bureaucratic dimension of planning as being composed of technical procedures and historically invested with intentions to reduce power abuse, one might interpret this to mean that there is an inherent conflict between bureaucracy and attention to contexts. This potential conflict could emerge from the view that the legal-bureaucratic processes tend to focus on generalized and standardized procedures and the contexts on the particular and local. In this sense, these concepts may appear to stand in opposition, which is not what I intend to suggest here. Bureaucracy is in itself a localized activity shaped by diverse factors. In Bordeaux, the functioning of bureaucratic activities like permit review were shaped, for instance, by the introduction of the revised regulatory framework with qualitative rules that created the expectation that permit reviewers would engage in discussions with applicants before determining how a rule should be applied. More important to the argument I advance here, bureaucratic practices participated in continuously forming and enacting contexts. This happened in instances where permit reviewers established connections between different documents and architect officials drew on specific understandings of what constituted the relevant aesthetic elements that new construction projects were to agree with (as discussed in Chapters 5 and 7). Thus, in the view that I have presented, there is not an inherent conflict between bureaucracy and context. The potential tension and sources of dispute lie in what should be considered a 'context' and what becomes significant in the moments context is defined. In what ways context comes to matter or should be engaged with is itself a question requiring contextualization. In urban planning in Bordeaux, concerns with

the issue of contexts centered around having the land-use plan being adapted to different local particularities that paralleled the level of the municipal and neighborhood, as well as around ensuring a degree of authority in an unfolding present over the course of decisions impacting land-uses. What counted as relevant contexts more specifically varied between who had the ability to decide and define the course of planning decisions on the one hand and the specific physical manifestations that new constructions should relate to on the other. In that regard, it is ultimately an empirical question to ask in what ways context matters and how are used; it is also a question of scale and temporality.

### **Looking to the future**

The findings of my study highlight the necessity of scrutinizing claims that are made in the name of ‘context,’ claims that are easily associated with a benevolent sensibility towards local particularities. In practice, such claims entail processes of weaving together as well as the production of disconnections. This underlines the importance of investigating the situated uses of the notion of ‘context’ through a non-normative standpoint by putting aside judgements of attending to context as good or bad, benign or malign in its own right. What I am suggesting here is not a dismissal of the usefulness of context as an analytical and empirical construct; that would be unwise, as Asdal and Moser point out: “[a]rguing philosophically and theoretically against context does not solve the problem in practice” (2012: 302). In practice, contexts in the sense of conglomerates of linked and separated objects, actors, ideas and elements always play into the dynamics at work in diverse phenomenon. What is important is thus the premises through which what counts as a relevant context is defined, the ways in which contexts are at work and to what effect.

Looking beyond the encounters I have investigated in this study, the question of which contexts ought to be attended to and which contexts even matter is inherent in activities of urban planning. When I said goodbye to Edmé, he shifted from speaking of the unfortunate circumstances under which the PLU operated to share that he was heading off to continue the planning of a neighborhood in a municipality adjacent to Bordeaux together with some colleagues. While our conversation exposed circumstances under which the PLU functioned, it was also a reminder of how the urban geography continue to change. The plan and planning activities will continue to play a role in this change by means of forming relationships between planners, politicians, applicants and the built environment, but it would probably do so in ways sometimes differing from what plan makers intended. More importantly,

these planning activities continue to participate in forming, without determining, which contexts are made important and attended, and which are made unimportant and ignored. The circumstances through which the plan was put to work underline the importance of inquiring into not only the content of urban plans but the broader contexts in which they operate and are used.

A thorough engagement with the issue of context in contemporary planning requires more than an agreement on the importance to attend to contexts. It requires an engagement with the premises on which contexts are conjured and claimed, and an engagement with the living situations and built environments that are left outside of the contexts that urban planning actors attend to.

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## Appendix: List of persons appearing in the study

### Land law department

Alexandre	Permit reviewer
Caroline	Permit reviewer
Damien	Head of department
Jean	Permit reviewer
Josephine	Permit reviewer
Laura	Permit reviewer
Marie	Permit reviewer
Naima	Permit reviewer, legal expert
Perrine	Permit reviewer
Sarah	Permit reviewer

### Department of urban planning

Anais	Official, planner
Edmé	Former official
Evelyne	Official, coordinator CMAP
Inès	Official, architect
Pierre	Architect-consultant
Raymond	Official, architect
Valentine	Official, planner
Yann	Official, lawyer

### Urban Planning Agency

Aurélien	Planner
Julie	Planner
Leïla	Planner



