LAW AND THE SOCIAL PRODUCTION
OF SPACE

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A thesis submitted in fulfilment of the requirements of the degree of Doctor of Philosophy in the Law School, Faculty of Law, Griffith University, Queensland

August 2003
Abstract

This study investigates the relationship between law and space by focusing on the role of the land-use planning system in producing the space of Australian urban regions. The primary aim of the project is to demonstrate the significance of the theoretical and sociological framework of Henri Lefebvre for an emerging field of socio-legal studies concerned with the relationship between law and geography. To this point very few contributions to this field have considered the theoretical connections between law and space in any depth. This thesis demonstrates how Lefebvre’s sophisticated theory of the socially produced nature of space can broaden the scope of ‘law and geography’ research. It does so through a detailed survey of Lefebvre’s work and a deployment of his ideas in a series of inquiries into the production of space in Australia.

This endeavour is pursued in two stages. Part I of the thesis begins by examining how explanatory models within the social sciences have become increasingly concerned with the spatial dimensions of social life. This ‘spatial turn’ is reflected in a small, but growing literature within socio-legal studies which focuses on the interdisciplinary connections between law and geography. However the theoretical foundations of this field remain underdeveloped. Through an analysis of Lefebvre’s writings, this thesis identifies an anti-reductionist methodological approach to space and its social production. This is used to establish a theoretical framework for the study of the spatial dimensions of law.

Part II of the thesis uses this framework to address two questions about the law-space relationship. The first of these is concerned with how law is involved in the production of space. This is considered through three linked studies of the production, planning and legal regulation of space. The starting point for this investigation is the geographical site of suburbia. Lefebvrean categories are used to redescribe Australian suburbia as a form of abstract space – simultaneously fragmented, homogeneous and hierarchically organised. The thesis then argues that the land-use planning system in the post-war decades played a significant role in the development of this form of settlement space, by adhering to a form of bureaucratic thinking that Lefebvre characterises as the rationality of habitat. This rationality embodied technocratic functionalism, a visualised formalism and a structural imposition of expert authority in planning decision-making.

With the shift to a neoliberal state form in the last two decades, there have been significant changes to spatial planning. Through an analysis and critique of the Integrated Planning Act 1997 (Qld), it is demonstrated that under neoliberalism there
has been a reformulation of the rationality of habitat. In particular, the *Integrated Planning Act* relies on two new formal strategies, the exchange form and the integrative form, in instituting its changes to planning practice. The exchange form abolishes the technique of land-use ‘zoning’ and increases the use of market mechanisms in the designation of spatial uses. The integrative form restructures the relationships between local and State government agencies and attempts to channel most forms of public participation into the early stages of policy formation. This thesis argues that rather than changing the spatial outcomes of land-use planning, by commodifying space and restructuring the hierarchies of state decision-making, the *Integrated Planning Act* will continue to reproduce the social relations of abstract space.

The second question in Part II deals with how Lefebvre’s ideas can contribute to critical thinking about public law in general. It is argued that while law plays a significant role as a producer of space through the planning system, processes of spatial production also shape and structure state institutions. Two areas of research which could benefit from a Lefebvrean theoretical framework are identified. The first area concerns explanations of the effects on public law of the reterritorialised state form that has emerged under neoliberalism. The second is the renewal of critical theory in public law. In particular, the thesis makes the case that the spatial contradiction between the use and exchange values that are attached to space, challenges the normative orthodoxy within public law scholarship which relies on the values of participation and accountability.

This thesis contributes to socio-legal research in three important ways. Firstly, it uses Lefebvre’s theoretical approach to develop a *critical* planning law, linking state planning to the process of the production of space. Secondly, the thesis uses Lefebvrean categories to link the study of public law to political struggles which surround spatial production. It suggests a new way for critical legal scholarship to conceptualise public law in terms of the relationship between state power and the inhabitance of space. Lastly, these inquiries demonstrate the importance and relevance of Lefebvre’s social theory for the discipline of socio-legal studies. By grounding the concept of ‘space’ in material processes of production, a Lefebvrean approach provides an alternative to existing theoretical accounts within law and geography research and will deepen our understanding of the relationships between legal and spatial relations.
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5. Conclusion

Conclusions and openings

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Acknowledgments

I would like to thank a number of people whose assistance has been crucial to the completion of this thesis.

I am enormously grateful to Paulette Dupuy for her love and emotional support over the past four and a half years. Her constant interest and enthusiasm for this project have reminded me of its worth, particularly when doubts threatened to overwhelm me. She contributed substantially at all stages of the process by translating texts, discussing ideas with me, editing chapters and using her considerable desktop publishing skills in compiling the final draft. Without her energy, strength and practical intelligence, I would have found finishing this thesis much more difficult. I offer her my love and thanks and now look forward to getting on with the rest of our lives together.

I thank my principal supervisor Shaun McVeigh for his help over the past six years. This project has gone through a number of evolutionary stages and Shaun has patiently worked with me over countless long discussions which have helped me to clarify my ideas about the relationships between law, the state and social theory. I am also grateful to my two other supervisors, John Dewar and Bill MacNeil. John’s attention to detail in my written work and his questions assisted me to sharpen the structure of my argument. Bill played an influential role in my decision to focus on suburbia when I was beginning my research.

A number of friends have offered me great support at various times during the planning and writing of this thesis. I would like to thank Yasmin Gunn for helping me to develop an interest in the study of cities and for initially encouraging me to take this project seriously. Thanks are also due to Mike Leach for his advice about thesis writing and our conversations about space, law and many ‘other matters’, to Andrew McInally, for those explorations of urban life in London and Brisbane, and to Greg Daley for our regular discussions about theses over warm drinks at various West End sites.

I have benefited from conversations with colleagues within the Law School at Griffith including Tarik Kochi, Geoff Airo-Farulla and Philippa England. I would especially like to thank Philippa for reading a draft of chapter seven and for helping me through the maze of Queensland’s system of ‘integrated planning’.
Recognition is also due to our dog Toke, whose daily 4pm demands for a walk dragged me away from this project and undoubtedly helped me to maintain my mental health during the past three years, as well as forcing me to explore the streets of Woolloongabba.

Lastly, I would like to acknowledge the gentle waters of Minjerribah where many of the ideas and plans for this thesis were formed.
Statement of Originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.
Dedication

The Australian government’s disgraceful policy of mandatory detention has led to the incarceration of many people who arrived in this country seeking refuge. The experiences of these people testify to a much harsher and more sobering denial of their spatial rights than the depiction of abstract space in the pages that follow. This thesis is dedicated in solidarity with their resistance struggle.
Introduction

Law and the social production of space

This thesis is a critical theoretical inquiry into the relationship between law and space. Working within the broadly Marxist framework of the French philosopher and sociologist Henri Lefebvre, I shall investigate the role played by law in the “production of space”\(^1\) and argue that Lefebvre’s work provides a number of new insights for socio-legal studies. In particular, I will demonstrate that Queensland’s new model of planning law contributes to the reproduction of a certain spatial form, designated by Lefebvre as *abstract space* - simultaneously fragmented, homogeneous and hierarchically organised. I will also argue that Lefebvre’s theory of space suggests a new way of thinking about systems of public law in general. This study contributes to a growing body of literature concerned with the interdisciplinary connections between law and geography. During the last decade, the scholarly interest in the spatial dimensions of law and legal relations has emerged as a new sub-discipline within socio-legal studies.\(^2\) However, very little attention has been paid to the theoretical premises and methodologies which are appropriate for analysing the interrelations between legal and spatial relations. An investigation of these matters is long overdue, and in this thesis I will draw on Lefebvre’s writings to propose a new theoretical approach for studies in the field of ‘law and geography’.

Lefebvre articulates a sophisticated theory of the socially *produced* nature of space, which has gained wide currency in a number of social science disciplines, including geography,


planning and cultural studies. He argues that capitalism has been able to survive and reproduce itself by the very occupation and production of space. Accordingly, the social relations of everyday life are mediated and structured by the various ways in which space is produced. This means that while social space is the product of human agency, in turn it helps to shape social, economic, legal and political processes. Consequently, our understandings of the social world require the recognition of the role of spatial influences alongside more widely accepted historical ones. Conclusions of this type are now widely recognised within human geography and have become accepted by a number of law and geography scholars. However, to this point there has been no comprehensive consideration of Lefebvre’s work within socio-legal studies. As a corrective, I shall provide a detailed account of Lefebvre’s thought and argue that his theory of space suggests a framework for the analysis of two specific questions about the law-space relationship.

The first question concerns the ways in which law is involved in producing space. My answer will focus on the historical role of land-use planning regimes in producing suburbia as the dominant form of settlement space of Australian cities and towns. After surveying the place of suburbia in Australian cultural studies and urban sociology, I will use Lefebvre’s theory of space and his writings on urbanisation to redescribe suburbia as a form of abstract space. It will be argued that one of the key influences shaping its growth

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has been the intervention of the state through the land-use planning process. Accordingly, I will analyse the type of planning which contributed to its expansion in the decades following the Second World War. This will situate land-use planning as a prominent mechanism by which the state assists in the production of social space. The discussion will then turn to the legal architecture structuring the contemporary land-use planning regime in Queensland. It will be shown that the *Integrated Planning Act 1997* (QLD) marks a shift to a *neoliberal* model of urban governance, which reproduces and accentuates the tendencies towards abstract space, identified in Lefebvre’s work.

The second question is: how can a Lefebvrean theoretical framework contribute more broadly to our understanding of systems of public law? I will argue that Lefebvre’s ideas are not only relevant to an understanding of law as a producer of space, but they also provide a fertile resource for the critique of existing models of public law. The production of space is an inherently political process, which generates and is shaped by struggles over the use of space. In chapter eight, I will consider the implications of the ‘politics of space’ for current theoretical approaches to public law.

1. **Social theory and the spatial turn: theoretical orientations**

Part I of this study will demonstrate the relevance of Lefebvre’s work for the interdisciplinary study of law and geography. Chapter one begins by giving an account of the influence of the ‘spatial turn’ on the social sciences during the last three decades. This intellectual development has had an impact in human geography, planning, cultural studies and social theory. I will focus on its origins within ‘critical’ approaches to geography in the early 1970s. In particular, I will draw attention to the influence of Marxist writers such as David Harvey, Manuel Castells and Henri Lefebvre, alongside poststructuralists such as Michel Foucault and Gilles Deleuze. An interest in spatial questions has also gained a certain presence within socio-legal studies over the last twenty years. I will review the interdisciplinary literature on the relationship between law and geography, in which space, urban life and ‘the city’ have become problematised as sites for critical exploration. This is

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still a relatively small field and so far, has produced very few attempts to theorise the
significance of the ‘spatial turn’ within law. I will suggest that the work of Lefebvre
provides a fruitful theoretical resource for this emerging area of socio-legal studies.

Chapters two and three will survey Lefebvre’s scholarly output from his early contributions
to Marxist theory in the 1930s, through to his writings on space and the state in the 1960s
and 1970s. In chapter two, the features of Lefebvre’s social theory will be identified and
distinguished from a number of other traditions of critical social theory. Lefebvre’s
philosophical position can be described as a humanist Marxism, which was influenced in
various ways by the ideas of Hegel and Nietzsche. I will outline a number of theoretical
themes, which remained constant throughout his work, including the pervasiveness of
human alienation, and the need to situate phenomena within a social totality, constantly
open to transformation and renewal. I will also give an account of the concept of ‘everyday
life’ which Lefebvre first introduced to Marxist thought in the late 1940’s, as an attempt to
construct a sociological framework for the study of daily existence within capitalist
modernity. This work prefigures a number of his later concerns with spatial politics and
the importance of the body within social theory.

Chapter three is a detailed exposition of Lefebvre’s theoretical approach to space. Deriving
inspiration from the Leibnizian notion of ‘relative space’, rather than the absolute space of
Newtonian physics, Lefebvre characterises spatial relations as a complex of practices,
representations and imaginary elements. His central assertion is that space cannot be
accurately conceptualised as either an inert container of social relations, or as a purely
discursive or mental field. Instead, he understands space in terms of processes of social
reproduction. Space is both a product and a precondition of the productive process. It is
both an instrument of state planning and control and the arena of creativity and political
struggle. In The production of space, Lefebvre provides a history of spatial forms from
the ‘organic’ absolute space of pre-history, to the abstract space of contemporary capitalist

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8 Lefebvre H (1991) The production of space, see note 1.
societies. He concludes by suggesting the potential of a *differential space* – space reappropriated in accordance with the demands of use rather than exchange.

In chapter four, I will condense the material considered in these two chapters into three methodological themes to be deployed in Part II. These themes are

i) an emphasis on the socially produced nature of space,

ii) an anti-reductionism which can be identified in his linking of the formal, functional and structural aspects of social phenomena and

iii) an understanding of social relations in terms of an open social totality, whose contradictions generate political struggles and hold the potential for social transformation.

2. Space, planning and law: studies in the production of space

In Part II, I contemplate the two questions concerning the law-space relationship that I have already identified. Chapters five, six and seven map the social and legal production of space through a series of interlinked studies of spatial production in Australia. Chapter five begins with an inquiry into the physical and cultural production of suburbia – the characteristic spatial form of Australian cities. In Lefebvrean terms, the fragmented, homogeneous and hierarchical dimensions of suburbia can be depicted as a form of *abstract space*. Three influences have generally been attributed to the emergence of this deconcentrated form of settlement space: industrialisation and technology, ideological factors and state intervention. In an attempt to avoid a crude state instrumentalist approach, the role of the latter has tended to be downplayed within Australian urban sociology. As a result, the contribution of the planning system to the production of suburbia has not been sufficiently recognised.

In chapter six, I attempt to address this situation by analysing the post-war land-use planning regime in Queensland. Using Lefebvre’s articulation of the bureaucratic rationality of orthodox spatial planning, I will describe planning practice during this period in terms of technological *functionalism*, visualised *formalism* and the instrumental exercise of state power. Through the local imposition of zoning techniques in combination with
productivist State government policies towards land development, this planning rationality played a key role in the growth of suburbanisation during the post-war years. However, it was also linked to a particular state formation described by Lefebvre as the *state mode of production*. Lefebvre develops this concept with reference to the centralised, post-war French state. However in Australia the federal government has historically played a limited role in spatial planning and therefore I will primarily use the concept to refer to the combined apparatus of State and local government planning authorities. This mode of state planning and its attendant rationality remained dominant until the late 1970’s during the decades following the second world war, but has been supplanted during the past two decades by the emergence of neoliberalism.

The rise of the *neoliberal state mode of production* has introduced a number of significant legal changes to spatial planning in Queensland. In chapter seven, considerable attention will be paid to the new model of spatial planning introduced by the *Integrated Planning Act 1997* (Qld) (*IPA*). It will be argued that this legislation reconfigures planning rationality by adopting a dual reliance on the *exchange* and *integrative forms*. These strategic forms pursue a seemingly contradictory agenda of submitting space and planning decision-making to the logic of the market, while centralising key aspects of planning policy. I will draw on recent research into the central-local state relationship to explain how the emergence of a neoliberal state mode of production has reconfigured this relationship and intensified these contradictions. One way of understanding this development is to recognise that neoliberal governance simultaneously embodies tendencies towards commodification along with the strategic management of its internal institutions. Accordingly, the analysis provided here explains how neoliberal spatial planning under the *IPA* both *commodifies* and *produces* the space over which it exercises jurisdiction. Despite

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its radical changes to the practice of planning through the abolition of zoning and the creation of an integrated decision-making system, the \textit{IPA} still embodies a set of representations of space as fragmented, homogeneous and hierarchically organised. Hence it will continue to reproduce the social relations of abstract space.

This critique of the \textit{IPA} is significant for two reasons. Firstly, it has relevance beyond the jurisdiction of Queensland as aspects of this model of planning law have been introduced in New South Wales, Tasmania and New Zealand. Secondly, it is a rare example of critical legal studies within the domain of planning law and the only detailed consideration of the relevance of the ‘spatial turn’ for this area of legal scholarship. Critical legal writing on planning has remained largely untouched by this development in the social sciences, which is particularly surprising, given that land-use planning is the area most obviously related to questions of space and its management. After two decades, the key critical text providing the only substantial and sustained critique of the philosophical bases of planning remains Patrick McAuslan’s \textit{The ideologies of planning law}.\footnote{McAuslan P (1980) \textit{The ideologies of planning law}, Pergamon Press, Sydney.} In that book, McAuslan debunks planning law’s claims to neutrality by drawing attention to three distinct and competing ideological positions which constitute its claims to social efficacy at different moments in the planning process. These ideological positions are:

\begin{enumerate}
\item Law exists and should be used to protect private property and its institutions.
\item Law exists and should be used to advance the public interest (if necessary against private property).
\item Law exists and should be used to advance the cause of public participation against both the other approaches.\footnote{\textit{ibid.}, at 2.}
\end{enumerate}

Each of these ideologies derive from the variety of social interests that planning law has traditionally served. Each interest strives for dominance and therefore conflicts with the others at certain points in the planning process. The first ideology encapsulates the traditional common law bias towards the protection of private property, and is clearly the approach preferred by property owners and their legal representatives. The second defines
the orthodox approach of public administrators, and expert planners to the role of planning law. The third ideological position - oriented towards public participation in the planning process is what McAuslan terms “the radical or populist approach to the role of law”\textsuperscript{12}. For him, it is this perspective which holds the most promise for the development of a planning system which does not arbitrarily exclude the interests of those without property or who fall outside an abstract definition of the ‘public interest’. He embraces C B Macpherson’s notion of participatory democracy as the basis for new decision-making processes which will have as their aim more open government, more searching debates on major policy issues, decisions bringing about positive discrimination in the allocation of resources in favour of deprived persons and groups in the community, and an institutional framework which allows these groups power, subject to appropriate safeguards, to determine their own future.\textsuperscript{13}

During the two decades since it was written, McAuslan’s approach has become the familiar and preferred solution to the problems of traditional bureaucratic institutions of the political left, both in planning and in public law more generally. A good example is the way in which a critical tradition in public law has emerged, heralding participatory democracy as an essential ingredient for a reformulation of administrative justice.\textsuperscript{14} Equally it has been at the forefront of the planning agendas of political radicals and community activists in Australia since the 1960s. Despite the widespread acceptance of this paradigm, I argue that it is an appropriate time to reconsider the accepted wisdom of this area of critical legal scholarship. There are two reasons for this.

\textsuperscript{12} ibid.
\textsuperscript{13} ibid., at 272.
The first concerns the changes to the structure of the state that have accompanied the rise of the neoliberal state mode of production, during the last two decades. As with many other areas of public decision-making, the legal foundations of spatial planning have altered dramatically and therefore it is necessary to subject this field of law to a renewed critical evaluation. The second reason relates to the absence of a specifically spatial problematic within planning law scholarship. While McAuslan’s critique of the ideologies embedded within planning remains an important work, there is also a need to introduce the ‘spatial turn’ to this field. The argument pursued in this thesis attempts to do so by explaining the significant contribution of land-use planning to the production of space.

In the final substantive chapter I will address the second question which deals with the implications of Lefebvre’s theoretical framework for the study of public law. Here I will investigate the more general application of the theoretical resources used in this project to the study of the administrative state. On Lefebvre’s analysis, the political dimensions of the production of space are most clearly observable in the spatial contradictions that emerge from abstract space. I will assert that two of these contradictory relations have particular relevance for our understanding of contemporary public institutions. The centre-periphery relation can be used to conceptualise the neoliberal reterritorialisation of the state form that has so dramatically altered the public/private divide traditionally accepted within public law. The second spatial contradiction is that between the use of space and the exchange values attached to it, which raises an important question about the systemic means of accommodating the interests of the users of space. As stated previously, most critical public law scholars have relied on a paradigm of participatory democracy to answer this question. I will use Lefebvre’s proposals for the reassertion of use values through the creation of a differential space as a way of critiquing the dependence on the norms of participation and accountability within most critical approaches to administrative justice.

This thesis is an interdisciplinary and critical contribution to socio-legal studies. Given the questions under consideration here, it is inevitable that the discussion will cross a number of disciplinary boundaries and engage with material from cultural studies, geography, urban planning, state theory and public law. It is ‘critical’ in the sense that it seeks to
challenge the methodological orthodoxy in the socio-legal fields of ‘law and geography’, planning law and theoretical approaches to public law. The study fills a gap within socio-legal studies, as it is the only comprehensive attempt to incorporate the ideas of Henri Lefebvre into the discipline, either in Australia or internationally.
PART I

Theoretical orientations
Chapter One

Space, social theory and critical legal geographies

1. Introduction

Critical social theory has played an increasingly important and influential role in the interdisciplinary study of law over the past three decades. A vast literature has evolved in legal sociology and critical legal studies which relies on the explanatory models of critical theory to investigate the relationship between law and social phenomena which are nominally the subject of other disciplines. In recent years, a noticeable shift in the focus of much critical social theory has taken place, which is concerned with both the role of space in social explanation and the geographical dimensions of social life. One form this has taken has been in the development of critical approaches to human geography, which emphasise the spatial characteristics of a range of social relations and sites of social power. Another has been a healthy revival of urban sociology and a return of theoretical attention to the city within the social sciences. This interest in spatial relations has also infiltrated socio-legal studies and has produced a 'new' interdisciplinary speciality situating law and its structures within a specifically socio-spatial problematic.

A central premise of this thesis is that sensitivity to the spatial dimensions of social life is now a vital aspect of any inquiry into the role of law in the reproduction of social life and how it is itself constructed by other social influences. A convincing case has been put by a number of writers that the contemporary era is one in which an attention to spatial factors is crucial to an understanding of current global changes to capitalist society. However, explaining the operation of law, regulation and legal relations requires an adequate theoretical account of how 'space' constitutes the terrain on which social conflict and the reproduction of social relations are played out. Although the mutually constitutive role of legal and spatial relations is increasingly invoked, the intersection of the study of law and the study of space has so far generated a small literature on the theoretical implications of

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the ‘spatial turn’ in legal studies. Compared to the incorporation into socio-legal studies of the methodological and theoretical influences of a range of other social sciences, the relationship between legal studies and critical geography remains, theoretically in its infancy. This is certainly one of the reasons why ‘law and geography’ studies remain a peripheral area of socio-legal inquiry. A danger for this field of research is that it will become, in the words of the French Marxist philosopher and sociologist Henri Lefebvre - a "labo(u)red interdisciplinary or multidisciplinary montage."² One means of preventing this result is the development of a sophisticated theoretical foundation for the study of law and space. This is the starting point for this work.

The next section will consider some of the major theoretical traditions and central themes of critical geography since the early 1970s, in order to explain the intellectual environment surrounding the appropriation of spatial concerns by contemporary critical social theory. This will be followed by a survey of attempts to integrate the study of law and space. In doing so, I will identify the current theoretical and methodological underpinnings of law and geography research. Finally, I will suggest Lefebvre’s philosophical method and his theory of space as potential theoretical resources for the future development of ‘critical legal geographies’.

2. Space and social theory

Despite social theory’s recent obsession with geographical questions of space and the urban, it is important to recognise that the role of spatial relations in social life has had a presence within the social sciences throughout much of the twentieth century. The interaction of the 'social' and the 'spatial' has been of particular interest to scholars within disciplines such as geography, planning, and urban sociology. We can identify the emergence of a sociological recognition of specifically spatial factors in the original Garden City movement³ and the Chicago school of urban sociology.⁴ A lineage can be

traced from these influences to the explosion of literature in the 1960s on 'the city' and 'urban' social problems such as race, poverty and homelessness. Much of this work was informed by philosophical liberalism and a variety of methodological outlooks, including positivism, geographical determinism and Parsonian functionalism. Mark Gottdiener describes mainstream urban geography before the 1970s as dominated by the paradigm of 'urban ecology' – a view of social space as a human ecosystem, naturally adjusting itself to cope with internal 'environmental' disturbances. This approach to the design, planning and description of forms of human settlement embodied a static way of understanding space that reduced it to an empty vessel - a mere container of matter. The critique of this absolute conception of space and the corresponding theoretical move to a notion of relative space has been one of the most important factors which has shaped the development of critical geography during the past three decades.

A key step in this transformation occurred in the late 1960s and early 70s, when the limitations of mainstream methodologies based on empirical observation and quantitative modelling were the target of a new crop of radical human geographers. A strong theme in this alternative to orthodox geography was the identification of capitalist social relations as largely responsible for contemporary geographical problems. In turn, this led to a spatialisation of Marxist theory - or in Harvey's words, the development of an "historical-geographical materialism". Next I will describe how the rise of neo-Marxist geography

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acted as a conduit for the renewed interest in spatial questions throughout the social sciences, which is commonly referred to as the ‘spatial turn’.

*Marxism and the question of space*

One of the justifications for the introduction of a spatial problematic to Marxism has been its capacity to transform and deepen the historical materialist account of social relations under the capitalist mode of production. In Henri Lefebvre’s famous declaration:

> Each of the concepts of Marxism may be taken up once more, and carried to a higher level, without any significant moment of the theory as a whole being lost. … The renewal of Marx's concepts is best effected by taking full account of space.⁸

Implicit in this 'renewal' of Marxism is the failure by any of the progenitors of orthodox Marxist theory to consider space or geographical concerns in any comprehensive manner. Just as Marx and Engels left no coherent theory of law or regulatory phenomena,⁹ the origins of a Marxist geography or a Marxist theory of space lie in their fragmentary writings on tangential topics and implications drawn from more general analyses of social formations.

The concept of the *division of labour* is the most obvious source of a theory of space in their writings. Within each nation, the separation between industry and commerce, and agricultural activities leads to an overt spatial division between town and country. Therefore the urban-rural dichotomy can be understood as a "direct consequence of the division of labour", which can itself be conceptualised as part of an emerging international division of labour.¹⁰ An important effect of this rather schematic outline of a Marxist geography was a materialist critique of the geographical determinism, or spatial fetishism that gave ideological support to bourgeois accounts of imperialism and unequal development.

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Understanding space as a product of ... social relations, was certainly a powerful challenge to geographical determinism, but simultaneously contributed to building the trap of reducing the complexity of the social totality to a mere reflection of its socio-economic features. In fact it implicitly accepted spatial organisation as indistinguishable from the formation of its mental image.\textsuperscript{11}

In Lefebvre’s terminology, geographical determinism "postulate(s) an homeomorphism between the space of representations and the representations of space".\textsuperscript{12}

Interestingly, it was Engels rather than Marx who took on the task of investigating the city as a subject of serious inquiry, and therefore may be entitled to be considered the ‘founder’ of Marxist urban studies.\textsuperscript{13} Drawing on the work of utopian socialists such as Robert Owen and Charles Fourier, Engels argued that the solution to the contradiction between the over-urbanised city and a depopulated countryside lay in the suppression of the urban. A new mode of production would require the dismantling of the large cities and a "more even distribution of the population over space."\textsuperscript{14} These ideas had an impact on architects and planners in the Soviet 'disurbanist movement'. This group asserted the necessity of a territorial distribution of population along socialist lines, hence eliminating the need for the large metropolis.\textsuperscript{15} Apart from this influence, Engel's embryonic urban theory did not generate widespread Marxist research on urbanisation or space in general. It was left until

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\textsuperscript{11} \textit{ibid}, at p164.
\textsuperscript{12} \textit{ibid}.
\textsuperscript{14} Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 10, at p162 and p182.
\textsuperscript{15} \textit{ibid}, at p182. Here a nostalgic utopia was grafted onto a dogmatic Marxist formalism in the service of a vision of society that appears hard to imagine today in the post-industrial west. However such ideas were also influential during the early years of the Chinese Cultural Revolution, and during the Khmer Rouge assault on urban life in Cambodia. See Rodrigues J (1973) \textit{Urbanism and revolution}, Citoyens, Paris; Grace H (1997) 'Icon house', in Grace H, Hage G, Johnson L, Langsworth J and Symonds M (eds) \textit{Home/world: space community and marginality in Sydney's west}, Pluto Press, Annandale, pp154-95, at pp155-60.
a century later for neo-Marxist geographers and sociologists to attempt the first serious integrations of Marxist categories in the study of urbanisation and the politics of the contemporary city. A corollary to this work was that it forced Marxists to appreciate how economic processes have a spatial operation and spatial effects. From the proliferation of Marxist geography and urban sociology during the 1970s, I have chosen to concentrate on David Harvey and Manuel Castells as the leading exponents of two particular versions of Marxist spatial analysis: political economy and structuralism.16

_Social justice and the city_ charts the personal intellectual journey made by David Harvey, from an acceptance of positivism and quantitative methods in geographical inquiry,17 to a recognition that only the methodology of historical materialism could explain the complex structural interactions at the heart of urbanised settlement space. In that book he shed his previous commitment to an ethical liberalism, and began to emphasise that urbanisation is part of a space-economy linked to land-use patterns and circuits of capital accumulation. The problems of social justice in the city cannot be divorced from these factors. His later and more self-consciously Marxist writings have identified the process of city development as the spatial manifestation of the process of surplus capital accumulation.18 Harvey defines the city functionally as an intersection point in the space-economy and the production of the built environment is dependent on flows of capital through the "secondary circuit" (real estate) of capital accumulation.19

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Like all other processes of capital accumulation, the creation of an urban infrastructure involves confrontations and struggles with labour. For Harvey, the built environment is used by labour as a means of consumption and self-reproduction. This leads to conflicts over living standards and the management and use of the built environment. In addition, there are also conflicts amongst fractions of capital over questions of investment and the degree of state intervention in space. For Harvey, the state increasingly operates as a manifestation of ‘capital in general’ through its interventions in the built environment. In particular, the state facilitates the socialisation of labour and the management of collective consumption through urban planning and policies directed towards investment in the built environment.  

Cities may once have been established through the geographic concentration of surplus value, but now they are sites for the "artificial stimulation of consumption".

A number of problems arise with this account of the space-economy of urbanism. Firstly, Harvey's analysis is plagued by a functionalism that infiltrates his account of the state's intervention in space. Gottdiener identifies a key weakness in Harvey's monolithic description of the ontological status of state - as an agent for 'capital in general'. The presumption that intervention by the state in planning, investment and the provision of infrastructure always works one-dimensionally to the benefit of a capitalist class depends on a narrowly orthodox Marxist theory of the state. Additionally, Harvey cannot adequately explain the mechanism by which investment switches between circuits to create value. He ends up relying on an economistic linking of urbanisation and spatial politics to his meta-critique of capitalism. Lastly, his depiction of urban struggles as a displacement

20 These include incentives for home-ownership and suburbanisation amongst the working class which help to defuse possible struggles over private property between tenants and landlords. In turn this splits workers into fractions of home-owners and renters. See also Gottdiener M (1994) The social production of urban space, see note 13, at pp92-4.


22 Gottdiener M (1994) The social production of urban space, see note 13, at pp98.
of class conflict to the local community exemplifies how orthodox approaches to Marxist theory are driven to reduce all struggles into narrow classifications.\textsuperscript{23}

\textit{Structuralism and space}

A second, extraordinarily influential Marxist account of spatial relations was developed by the French sociologist, Manuel Castells, in his early book, \textit{The urban question}.\textsuperscript{24} Written in 1972, it was not published in an English translation until the late 1970s. Despite subsequent refinements of his ideas and substantial redirections towards the study of the 'new social movements'\textsuperscript{25} and technologically-inspired changes in spatial relations,\textsuperscript{26} the approach he developed in that early text has been widely applied in numerous disciplines.\textsuperscript{27}

In it, Castells applies a self-consciously Althusserian conceptual schema and an avowedly structuralist version of Marxism to the social organisation of the 'urban system'. He specifies a relationship between the concept of 'the urban' and a theory of the collective consumption of social services provided by the state.\textsuperscript{28} The city is therefore defined as a site of collective consumption by virtue of its role as a regional centre of industrial production.

\textsuperscript{23} ibid., at p91.

\textsuperscript{24} Castells M (1977) \textit{The urban question: a Marxist approach}, Arnold, London.


\textsuperscript{26} Castells M (1996) \textit{The rise of the network society}, Blackwell, Malden, Mass.


\textsuperscript{28} Gottdiener M (1994) \textit{The social production of urban space}, see note 5, at p114.
The book was originally written as a response to Lefebvre's earliest formulations of a theory of space.\footnote{See Lefebvre H (1996) ‘The right to the city’, in Kofman E and Lebas E (eds) \textit{Writings on cities}, Blackwell, Oxford, pp61-181. This is a translation of Lefebvre H (1968) \textit{La droit a la ville}, Anthropos, Paris. See also Lefebvre H (1970) \textit{La revolution urbaine}, Gallimard, Paris; Lefebvre H (1972) \textit{La pensee Marxiste et la ville}, Casterman, Paris-Tournai.} According to Castells, Lefebvre was guilty of an attempt to redraw Marxist theory in terms that placed the 'urban crisis' as the central conflict within neo-capitalist societies. The political role of the working class was supposedly eliminated from this account in favour of a "determination of (political) content by (urban) form".\footnote{Castells M (1977) \textit{The urban question}, see note 24, at p90, see also at pp87-90 and pp91-2.} In later works such as \textit{The survival of capitalism} and \textit{The production of space}, Lefebvre developed his theory of space and more fully articulated "the relations between space, everyday life and the reproduction of the (social) relations of production".\footnote{Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 10, at p171. Lefebvre H (1976) \textit{The survival of capitalism}, Allison and Busby, London; Lefebvre H (1991) \textit{The production of space}, see note 2.} Without exposure to these writings, Castells can be partially excused for what amounts to a misdirected critique. However it is also true that he failed to observe how the connections between these elements were implicit in Lefebvre's key early text, \textit{Critique of everyday life}.\footnote{Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 10, at p172. See also Lefebvre H (1991) \textit{Critique of everyday life vol I: introduction}, Verso, London. A detailed account of Lefebvre’s writings on everyday life and space will be provided in chapters two and three.}

Castells attempts to rescue the concept of ‘the urban’ for Marxist social analysis from Lefebvre's 'humanism', by bringing it within a more general, structuralist theory of the production of the built environment under capitalism. As he remarks: "(T)here is no theory of space that is not an integral part of a general social theory, even an implicit one."\footnote{Castells M (1977) \textit{The urban question}, see note 24, at p115.} He accounts for spatial form by applying Althusser's framework of economical-political-ideological factors by homology to the urban system. Through a functional reliance on the fundamental determining role of the economic, Castells defines the urban as the "spatial unit of the reproduction of labour power".\footnote{Gottdiener M (1994) \textit{The social production of urban space}, see note 5, at p118.} As urban space is structured through the
reproduction of labour power, *collective consumption* is therefore designated as the key object of inquiry for a Marxist approach to 'the urban question'.

(T)he essential problems regarded as urban are in fact bound up with the processes of 'collective consumption', or what Marxists call the organization of the collective means of reproduction of labour power … (that is the) means of consumption objectively socialized, which, for specifically historical reasons, are essentially dependent for their production, distribution and administration on the intervention of the state.35

The theory of collective consumption shifts analysis from 'the urban' or space to a description of urban problems in Marxist terms. Methodologically, this marks a return to the concerns of mainstream 'urban science' with "the city as a site of social pathology".36 Castells' work was influential in prompting a whole school of thought to conceive of collective consumption as the sole appropriate focus for urban sociology.37 However, this relies on a false dichotomy between the production and reproduction of social life. As will be explained in the next two chapters, for Lefebvre, the problem is not simply one of consumption, but of the reproduction of the social relations of production.

How can consumption reproduce the labour force? Certainly it reproduces human beings, but for these to be transformed into labour it is necessary to produce, over and over, the pre-conditions for the imperiousness of the capital relation. In short it is necessary to reproduce the social relations of production.38

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35 Castells M (1977) *The urban question*, see note 24, at p440.
36 Gottdiener M (1994) *The social production of urban space*, see note 5, at p119.
As Martins explains, this cannot be simply achieved by the "simple reproduction of the labour force through consumption. It require(s) the extension of capitalist relations in order to recover every single moment of everyday life."  

Lefebvre's influence (albeit in an attenuated form) lurks in the background of the early work of both Harvey and Castells. Both writers feel the need to position themselves in relation to Lefebvre, in order to counter his depiction of the urban as the key to understanding the reproduction of social relations under neo-capitalism. Following Martins and Gottdiener, I argue here that there is much more to Lefebvre's theory of social space than is presented in the work of these writers. In particular, it is certain that Castells' attack was at least partly driven by Lefebvre's uncompromising denunciation of Althusserian structuralism. For him structuralist Marxism was unable to conceptualise capitalism without lapsing into tautology and Castells' application of Althusserian analysis to urban phenomena was treated in a similar manner.

This structural (non-dialectical) analysis is not false. It is not true either. It is trivial. It bears no date. It can be true or false anywhere and everywhere - in an English town at the end of the eighteenth century, in a modern megalopolis, on an industrial housing estate, or in some city out of ancient mythology.

In Lefebvre's opinion, the structuralist division of society into production complexes and units of consumption (urban areas) can not assist to explain the dynamics of capitalism, but reduces the reproduction and normalisation of the relations of production to the reproduction of labour power through consumption.

Gottdiener sees in both Castells and Lefebvre, an attempt to provide a more global understanding of the social totality than is possible through Harvey’s orthodox Marxist, political economy perspective. However the epistemological formalism employed by


40 Lefebvre H (1976) *The survival of capitalism*, see note 31, at p66. I will return to Lefebvre's critique of structuralism in chapter two.
Castells in *The urban question* forces him to impose a number of arbitrary *a priori* categories on urban phenomena. What results is an empiricism that has affinities with the bourgeois urban sociology he critiques in the first part of his book. This is an analytical retreat from the broad inquiry into the reconstitution of social relations through space that is the object of Lefebvre's interest.\(^{41}\) In the words of Lefebvre:

> In order to pose the problem which (structuralism) evades - the problem of the reproduction of social relations - it is necessary to proceed from the total to the particular. We must search for the explanation over an extremely wide range of social phenomena.\(^{42}\)

**Poststructuralism, postmodernism and space**

Orthodox and structuralist Marxist approaches to space were not the only influences on radical scholars working within the spatial disciplines throughout the 1970s and 1980s. For some there were suspicions that these new Marxist conceptualisations of space were simply *theoretical* projections of an unreconstructed Marxism onto a new disciplinary domain. In particular, there was dissatisfaction with the way in which the significance of space had been largely ignored by a sociological tradition dominated by historicist forms of explanation. Marxism was seen as playing a vital intellectual role in entrenching historicism within the social sciences. This further distanced some scholars from it as a theoretical approach capable of adequately conceptualising the ‘spatial’.\(^{43}\)

Instead, a number of scholars have turned to poststructuralist theories as holding more promise for the development of critical approaches within the spatial sciences. One reason for the attractiveness of such theoretical resources is a common resistance to the historicist theoretical models of Hegel and Marx. This is particularly true of a number of French thinkers who, in the aftermath of the events of May 1968, have been preoccupied with the need to expunge all vestiges of dialectically historical thinking such as historical materialism. Through the influence of a number of key poststructuralist writings, spatial

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\(^{41}\) See Harloe M (1979) ‘Marxism, the state and the urban question’, see note 38, at pp126-9.

\(^{42}\) Lefebvre H (1976) *The survival of capitalism*, see note 31, at p68.
concepts now signify a broad range of social phenomena within the contemporary social sciences. Much of the social theory that has been written in this vein deliberately uses spatial, rather than temporal metaphors, in an attempt to evade the triumphal utopianism and linear progressivist tendencies of post-enlightenment thought. Examples of such metaphorical uses of space can be observed in the introduction of concepts such as 'discursive spaces', spaces of dispersion, nomad thought, or in arguments for the recognition of difference and social and cultural pluralism.

While this has led to a widespread perception that the ‘spatial turn’ in the social sciences is a specifically postmodern development, Frederic Jameson argues that it should be understood in terms of a more widespread cultural shift that has accompanied the rise of postmodernism as a social form.

(Our daily life, our psychic experience, our cultural languages, are today totally dominated by categories of space rather than by categories of time, as in the preceding period of high modernism proper.)

For John Berger this cultural logic is expressed through the need to take into account the simultaneity and extension of events and possibilities. Prophesy now involves a geographical rather than historical projection; it is space not time that hides consequences from us.

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43 This argument about the role of historicism in the subordination of space in the social sciences is pursued in more detail in Soja E (1989) *Postmodern geographies*, see note 1, chapter 1.
While he does not use the terminology of postmodernism, Lefebvre expresses similar sentiments in *The production of space*.

With the advent of modernity time has vanished from social space. It is recorded solely on measuring-instruments, on clocks, that are as isolated and functionally specialised as this time itself. … The primacy of the economic and above all of the political implies the supremacy of space over time. … Our time, then, this most essential part of lived experience, … is no longer visible to us, no longer intelligible. … It leaves no traces. It is concealed in space, hidden under a pile of debris to be disposed of as soon as possible.49

For Jameson, history has been turned into a vast array of commodified contemporaneous images.50 With the replacement of depth by surface phenomena,51 cultural interventions participate in a "random cannibalisation" of historic styles that "Lefebvre has called the increasing primacy of the 'neo'."52 The subject's inability to organise the past coherently introduces a spatial logic of fragmentation and heterogeneity into cultural production.53 In contemporary architecture we see perhaps the most obvious manifestations of a spatial logic in the cultural production of spaces which render the human body incapable of cognitively "mapping" its position in relation to an external world.54 Cultural and intellectual practice now no longer finds the themes of high modernism (such as temporality, *duree* and memory)55 compelling. As with much contemporary cultural and artistic work, social theory has adopted spatial themes to represent this heterogeneity and fragmentation.

51 And the replacement of depth-structural explanations by the study of the proliferation of visual surfaces and codes.
52 Jameson F (1984) 'Postmodernism, or the cultural logic of late capitalism', see note 47, at pp65-66.
54 Jameson F (1984) 'Postmodernism, or the cultural logic of late capitalism', see note 47, at pp80-3.
55 *ibid.*, at p64.
One example can be found in the work of the historian and philosopher Michel Foucault. He identifies a relatively recent switch in emphasis from the high modernist obsession with historical modes of explanation to a new spatial epoch in which simultaneity, juxtaposition and dispersal reign. Of modernism's devaluation of the importance of space, Foucault comments:

Did it begin with Bergson, or before? Space was treated as the dead, the fixed, the undialectical, immobile. Time, on the contrary, was richness, fecundity, life, dialectic.

Now, "our experience of the world is less of a long life developing through time, than that of a network that connects points and intersects with its own skein". Thus Foucault finds in spatial metaphors such as position, field, domain, region and territory, the tools to grasp the transformation of discourses through relations of power. Chris Philo argues that Foucault's interest in space extends beyond a simple attachment to the metaphorical. He is alert to the way in which the geographical arrangement of people, resources and buildings is "deeply implicated in the historical process under study." In a posthumously published lecture from 1967, Foucault attempts a concrete description of heterotopias - heterogeneous spaces capable of juxtaposing several sites of power in a single space.

Therefore, the spatial dimensions of social life have become a key site of inquiry for social theories which accept that the subject is now so fragmented and decentred that it is incapable of ordering time and history through individual consciousness. But spatial imagery is not simply an attractive and useful metaphorical device for representing the flux, difference and plurality of social life. The increasing intellectual importance of space is also intrinsically linked to material shifts in cultural and economic relations. For this reason, the ‘spatial turn’ cannot be simply understood through the lens of a flat, depthless

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59 Foucault M (1980) 'Questions on geography', see note 57, at pp68-70. It is of particular interest to Foucault that these are also juridico-political metaphors.
60 Philo C (1992) 'Foucault's geography', see note 44, at p151.
ontology, presented as the random difference of the ‘postmodern’. Indeed, Jameson's concern with delineating postmodernism as a "cultural logic" displays a desire to decipher a deeper meaning from the sheer heterogeneity within the space of late capitalism.\footnote{Jameson F (1984) 'Postmodernism, or the cultural logic of late capitalism', see note 47, at p57.}

A similar interest in attaching a depth analysis to spatial relations is present in the work of Henri Lefebvre. For some writers, Lefebvre’s role as an architect of the ‘spatial turn’ is a distinctly postmodern contribution.\footnote{Dear M (1997) ‘Postmodern bloodlines’, in Benko G and Stromayer U (eds) Space and social theory: interpreting modernity and postmodernity, Blackwell, Oxford, pp49-71.} However, it is clear his analysis of social space can be distinguished from a number of other critical-theoretical approaches to questions of human geography which are readily labelled ‘postmodern’. His writings on philosophical method, everyday life, cities, urbanisation and the production of space suggest a dialectical and materialist understanding of social space. Importantly, his project is not concerned with simply using space as an organising metaphor, but in providing an account of how social relations are produced through human struggles over space.

In addition, Lefebvre’s multi-faceted definition of space avoids both the economic reductionism and theoretical formalism present in the work of Marxist geographers such as Harvey and Castells. His theory provides us with a means of analysing the law’s role in terms of the production of space and its sedimentation within the practices of everyday life. As a process, the production of space is fiercely contested and struggles over space have become some of the key sites of counter-hegemonic resistance to capitalism. Lefebvre's open Marxism suggests a transformational politics directed towards the production of a differential and collective form of space. Elements of this theoretical account of the production of spatial relations will provide the methodological resources for much of the argument to be presented in this thesis and will be discussed in detail in chapters two and three.
3. Critical legal geographies

The widespread social-scientific interest in space as a theoretical concept described so far has also insinuated itself into critical approaches to the study of legal phenomena. Legal curiosity about the spatial dimensions of social life can be traced back to the attempts by early comparative law scholars to explain the local variation of laws by reference to geographic determinants such as climate, physical form and racial differences. Nicholas Blomley identifies in writers such as Jean Bodin and Charles Montesquieu, an underlying ‘regionalist’ approach to the spatial diversity of legal systems. This was carried into the twentieth century by comparative lawyers and legal sociologists such as John Wigmore and Albert Kocourek.64 These rather crude endeavours combined legal positivism with a form of spatial fetishism – the attribution of causal power to space. This amalgam was unable to provide the impetus for an ongoing project fostering the integration of law and geography. Eventually, the rise of legal formalism was successful in quelling interest in the geographical dimensions of law.

However, recently a number of scholars have challenged the aspatial presumptions of liberal formalism in law. There is now an increasing body of work that is concerned with the geography of legal regulation, law’s role in managing specific urban problems and the theoretical dimensions of the interdisciplinary study of law and geography. I will concentrate here on two main branches of writing within this emerging field of socio-legal research. The first includes studies mainly of the relationship between law and specifically spatial phenomena: such as the city, the neighbourhood, housing policy or the regulation of public space. The second explores the methodological and theoretical dimensions of the relationship between law and space. While is not possible to make a clear-cut distinction between these ‘categories’, it is nevertheless analytically useful to consider them as separate themes within law and geography scholarship.

A tentative attempt to accommodate geographical thought within recent socio-legal research can be found in an article by Ann Stewart and Roger Burridge. They provide a descriptive account of the uneven geographical impact of the Conservative government’s imposition of neoliberal strategies in the UK housing sector in the early 1980s. The effects of the introduction of market mechanisms and forced reductions in public expenditure by local authorities were both to polarise housing users by income and to confine them to particular localities. Their discussion draws on urban sociology and makes reference to the geographical literature on the intrinsic nature of uneven spatial development in the reproduction of capitalist social relations. In addition, they note legal writers who have analysed the conflicts between central and local administrative bodies in the restructuring of the welfare state. However this account is only able to provide a thematic association of the concerns of urban and legal sociology.

A second British example is Davina Cooper’s study of a neighbourhood conflict over the construction of an eruv (a symbolic perimeter), by the orthodox Jewish community in the north-west London borough of Barnet. Vigorous opposition to the eruv came from the residents of Hampstead Garden Suburb (an early product of the Garden City movement) who perceived the structure as "fundamentally antithetical to the foundational principles of..."
their own community" - a threat to their imagined vision of the character of the neighbourhood. Cooper argues this community opposition was rooted in a modernist discursive framework that identifies the eruv as a premodern attack on Enlightenment values such as rationality, secularism and the public/private divide. The conception of space held by these opponents is portrayed as primarily symbolic - a mental space in which the manifestation of a plurality of symbolic uses of space disrupted the coherence and equilibrium of a rationally and scientifically planned city. Therefore Cooper uses the concept of ‘space’ as a metaphorical vehicle to represent a contested symbolic terrain.

An alternative London landscape forms the backdrop for Leslie Moran and Derek McGhee’s examination of the spatial dimensions of policing practice. Using materials from the Wolfenden Committee review of the law and practices applying to homosexual offences in the 1950s, they uncover an inherent cartography in the practices of the Metropolitan Police, who had responsibility for policing these offences. Plain-clothed police operations in public lavatories are thereby revealed as cartographic practices concerned with spatially producing a certain social and moral order. Their analysis also draws attention to the body as a legal technique, rather than an inert object of law. The undercover operations discussed required police officers to engage their bodies in a performance of “movements, codes and complex rituals” as a condition of possibility for successful surveillance and prosecutions. Finally they argue the maps used by the Metropolitan Police to depict the parts of London subject to these operations, and the policing practices themselves juridify both space and the male body. The surveillance of public toilets can be seen as an example of policing in liminal space – on the border between transgression and law’s authority.

Amongst critical legal scholars in the United States, Gerald Frug has been the most prominent voice arguing for a reappraisal of the position of cities in the Anglo-American legal tradition. In a series of articles, he has described how city governance and local

community politics have been downgraded and rendered ineffective by the treatment of the city in American public law. In a long, historical exegesis, he traces the powerlessness of cities as originating in an early acceptance within liberal political and legal theory of the need for a division between public and private. This was combined with the state's imperial subjugation of the city as an entity, through a need to make a clear dichotomy between individual and state. The notion of the city as an intermediate social formation generated by the rights to free association and self-determination was seen as a threat to both individual liberty and the prospect of a unified nation-state. The resulting "city powerlessness" has the effect of denying forms of "public freedom - the ability to participate actively in the basic societal decisions that affect one's life." Given the increasingly unsustainable nature of the distinction between public and private power, Frug argues for a decentralisation of power to the local level in a way that gives the city the same kind of autonomy and legal rights currently enjoyed by the private corporation. The argument pursued here draws on similar themes to those explored in his critique of the public/private divide in administrative law. In later articles, Frug targets US urban policy and the provision of municipal services in more detail. He identifies the fragmentation and spatial inequities of American cities as partly the result of zoning and re-development regulations, which pit affluent areas against their poorer neighbourhoods. Likewise a privatised, consumer-oriented model of city services contributes to the division of metropolitan areas along the lines of class, race and ethnicity. Frug’s alternative is an urban policy focused on "community building" - a term encompassing the diversity of city

72 ibid., at p219.
74 Frug G (1980) 'The city as a legal concept' at p1106.
75 ibid., at p1068.
life, as opposed to the organic romanticism that is often associated with the idea of ‘community’.78

Christopher Stanley provides a distinctly different perspective on the crisis in city governance in his Urban excess and the law.79 He invokes a diverse range of theoretical influences in an investigation of the regulatory problems of Megalopolis – the “site of hyper or post-urbanisation”.80 For Stanley, urban space is structured by an economy of symbolic consumption, which is reinforced by strategies of hyper-regulation. However, the failure of these strategies leaves open the possibility of an “economy of transgression” as a means of resistance to the regulatory order.81 Using the example of inner East London, he depicts the tensions which arise between the hyper-regulated urban centre and its deregulated margins. In turn, these tensions give rise to “wild zones”, places “outwith the law”, which despite their dangers, harbour the potential for a nomadic governmentality as an alternative to the static and hierarchical governmentality of the existing regulatory order.82 Three cases studies of the wild zone reveal a number of transgressive strategies which simultaneously satisfy the desire for consumption encouraged by the regulatory

80 Stanley C (1996) Urban excess and the law, see note 79, at p26. These influences include Lyotard, Baudrillard and Jameson (on postmodernity), Deleuze and Guattari (on networks of power and nomadology), Aglietta and Lipietz (on regulation) and Foucault (on governmentality).
81 ibid., at p47
82 ibid., at p99
order while inverting its “technologies of power into technologies of counter-power”. For Stanley, law is inevitably immersed in the problematic of urban excess framed by the intersecting paths of consumption, desire and transgression.

A less adventurous, but more deliberate attempt to integrate the disciplines of law and geography can be found in the work of Nicholas Blomley. He has been one of a ‘vanguard’ of scholars arguing for the value of a new interdisciplinary research agenda linking these two areas of study. He has published geographically-informed accounts of the implementation of retail laws in the United Kingdom, the policing of ‘flying pickets’ during the miners’ strike, the operation of workplace health and safety law within the federal legal systems of the United States and Canada, and conflicts over property developments in Vancouver. One of Blomley’s key themes is the significance of spatially specific legal traditions and interpretations in conflicts over the meaning of law. However his interests are not solely empirical and he is one of the few scholars to seriously engage with the theoretical dimensions of the law-space nexus. This aspect of law and geography research will be dealt with next.

Theories of law and space

The diverse studies presented here provide us with snapshots of the often hidden and unacknowledged spatial dimensions of legal phenomena. They exemplify the broad range of spatial problematics and definitions of space that have been explored within the emerging field of ‘law and geography’ studies. Stewart and Burridge focus on the spatially specific legal traditions and interpretations in conflicts over the meaning of law. However his interests are not solely empirical and he is one of the few scholars to seriously engage with the theoretical dimensions of the law-space nexus. This aspect of law and geography research will be dealt with next.

83 *ibid.*, at pp164-6. These activities include joyriding, raving, computer hacking and sadomasochistic sexual practices.

uneven implementation of administrative policies. Moran and McGhee’s piece describes the cartographic role of law in the form of policing strategies. For Frug, the constitutional status of the city as an entity is the springboard for an analysis of the political relationship between the central state and local authorities. In different ways, Cooper and Stanley draw on the symbolic dimensions of social space, conceived in terms of the neighbourhood and the city respectively. However of all the examples discussed above, only Blomley’s work explicitly reflects on the theoretical and methodological implications of the ‘spatial turn’ for socio-legal studies. The lack of more widespread consideration of these issues is partly due to the limited exposure of legal scholars to the theoretical debates about space within critical geography that were outlined earlier in this chapter. But whatever the reason, it is important that this lack of lack of clarity about what it means to combine the studies of ‘law’ and ‘space’ is addressed, or there is a danger that it will hinder the further development of this area of socio-legal scholarship.

Blomley’s theoretical position is premised on the need to avoid two familiar traps in the study of law and geography. The first is the spatial fetishism of the early ‘regionalist’ school of comparative law. The second is the instrumentalism of forms of ‘impact analysis’, which take for granted the objective status of an imperial, positivist law imprinting itself on a passive space conceived as a flat surface or empty container. Both these tendencies adopt a mono-directional sense of causality and implicitly separate ‘law’ and ‘space’ into distinct analytic realms. In his own work, and in partnership with Gordon Clark, Blomley has argued for an alternative theory of law and geography, which is rooted in the contingency of meaning and interpretation. This undermines abstracted and reified understandings of law in favour of the contingency and context-specific nature of legal interpretation. They combine an awareness of the indeterminacy of legal discourse with insights about the heterogeneity of social space drawn from recent work in critical

85 Blomley N (1994) Law, space, and the geographies of power, see note 84, at pp29-36.
geography. In their account, law and space are both understood as indeterminate but mutually constitutive.\(^{87}\) One of the consequences of this approach is that it constructs the ‘spatial turn’ in law as a particular instance of a more general ‘interpretive turn’ in the social sciences.\(^{88}\) While it suggests the radical possibilities of law and geography research, it also problematically links such scholarship to the concerns of a particular form of cultural geography.

Another potential theoretical model for the exploration of the spatial dimensions of law is that provided by the methodology of legal pluralism.\(^{89}\) Although there is now a vast legal pluralist literature, the work of Boaventura de Sousa Santos is often noted in this context as providing the most theoretically sophisticated description of the various spatial scales of law and regulatory phenomena. In numerous writings he has used the metaphor of the map to chart the sites at which different modes of legal and social power operate.\(^{90}\) He argues for a form of legal pluralism which moves from the understanding of different legal orders as separate entities coexisting in the same political space, to a

> conception of different legal spaces superimposed, interpenetrated and mixed in our minds, as much as in our actions … . We live in a time of porous legality or legal porosity, multiple networks of legal orders forcing us to constant transitions and


trespasses. Our legal life is constituted by an intersection of different legal orders, that is, by interlegality.\textsuperscript{91} The concept of interlegality provides one means of understanding the spatiality of law – the way in which legal spaces operate “simultaneously on different scales”.\textsuperscript{92} It undermines the narrow, doctrinal closure of legal formalism and shows how ‘state law’ is at once connected to a range of alternative legalities and normative orders. Desmond Manderson suggests Santos’ work may be a means for legal pluralism to escape the modernist reification of space, through its assumption of the ‘reality’ of law at each geographic site.\textsuperscript{93}

In this thesis, I want to broaden this theoretical horizon beyond the concerns of legal pluralism and the ‘interpretive’ approach of Blomley and Clark. My aim is to both expand and deepen the theoretical understanding of space within critical legal studies, while also recognising the limits of space as a theoretical device. Accordingly, the emphasis here will shift away from the metaphorical use of space to signify the contingency and indeterminacy of social relations, and instead return to the resources of critical geography for an alternative theoretical paradigm. In particular, I will draw on the materialist account of spatial relations in the writings of Henri Lefebvre, as a means for understanding law’s role in the \textit{production of space}.\textsuperscript{94}

\textbf{4. Conclusion}

By positioning space at the centre of the reproduction of the relations of production, Lefebvre provides an explanation of the importance of space in the renewal of capitalist social relations. His work is attentive to macro-social influences on space such as urban

\begin{footnotes}
\item[91]\textsuperscript{91} Santos B (1995) \textit{Toward a new common sense}, see note 90, at p473.
\item[92]\textsuperscript{92} Santos B (1987) Law: a map of misreading. Toward a postmodern conception of law’, see note 90, at 288.
\item[93]\textsuperscript{93} Manderson D (1996) ‘Beyond the provincial: space, aesthetics, and modernist legal theory’, see note 87, at p1061 and p1065. Manderson dissents from the common tendency in recent scholarship to identify modernism with time and postmodernism with space. Instead, he describes how modernism both spatialises time and reifies space and law. He argues the case for a new form of aesthetics which escapes the modernist reification of space (legal chaotics) and a legal theory which is critical and pluralist (critical legal pluralism).
\item[94]\textsuperscript{94} Lefebvre H (1991) \textit{The production of space}, see note 2.
\end{footnotes}
planning and state administration, but also demonstrates the necessity for social theory to attend to the banal, repetitive and ordinary processes of everyday life. Both in his writings on everyday life and in his investigations of the relationships between social space and bodily rhythms, Lefebvre seeks to unite temporal and spatial experiences of the world in a way that is sensitive to the potential of human agency to transform social relations.

A comprehensive analysis of Lefebvre’s ideas has not yet been attempted within legal studies and therefore the rest of Part I will be devoted to an overview of the Lefebvrean theoretical project. The next two chapters will discuss Lefebvre's work in depth, from his philosophical approach to Marxism in the 1930s, through his *Critique of everyday life*, to his later writings in the 1970s and 80s on space, city planning and the state. Chapter four will summarise the key methodological features of Lefebvre’s work. Part II consists of a series of linked Lefebvrean studies of socio-spatial relations in contemporary Australia. In turn I will investigate the phenomenon of the suburban spatial form, the role of urban planning in its development, the spatial dimensions of the current legal regime underpinning land-use planning in Queensland, and the implications of Lefebvre’s thought for critical thinking about public law. These studies will demonstrate how Lefebvre’s theory of the production of space can provide the resources for a new critical legal geography that acknowledges the importance of space, without fetishising it or reducing it to a discursive structure.

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Chapter Two

Lefebvre, social theory and everyday life

1. Introduction

Henri Lefebvre ranks as one of the most important intellectual figures of the twentieth century, although his stature and contributions to philosophy, sociology and urban studies have only recently begun to be widely recognised. Prior to translations in the early 1990s of key books such as The production of space, Introduction to modernity, the first volume of the Critique of everyday life and the collection Writings on cities, there was little exposure or understanding of his work in the English-speaking world. However during the past three decades, he has exercised a strong influence on critical and human geography, where his ideas have been used as a source for a materialist theory of space. Chiefly because of this geographical appropriation, the primary interest in his work still centres around his theory of space. However it is crucial to situate his writings on space and the urban within the trajectory of a writing life spanning almost seven decades.

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3 Although many applications of his work have been perfunctory, some of the more sophisticated examples include the writings of David Harvey, Edward Soja and Mark Gottdiener. See Harvey D (1973) Social justice and the city, Johns Hopkins University Press, Baltimore; Soja E (1989) Postmodern geographies: the reassertion of space in critical social theory, Verso, London; Gotttdiener M (1994) The social production of urban space, 2nd ed, University of Texas Press, Austin. While their interests in Lefebvre have not led them to focus comprehensively on the connections between underlying philosophical themes within his oeuvre, Gotttdiener’s contribution certainly attempts a reconciliation between Lefebvre’s theory of space and his critique of everyday life, at pp263-91.
Born in 1901, he witnessed and was a participant in many of the most momentous intellectual and political movements of the century. His first critical engagements began in the mid-1920s with his involvement with the radical Philosophes group as a philosophical romantic with an interest in Nietzsche and a Bakhtinian celebration of the carnivalesque. During this time, he developed loose and passing connections with Tristan Tzara's Dadaists and (less happily) with the Surrealists. By the end of the 1920s he had joined the French Communist party (PCF) and became an active party theoretician, developing a humanistic and Hegelian-inspired approach to Marxism. In 1956, his anti-Stalinism led to his censure and eventual expulsion from the party over his critical stance on the suppression of the 1956 Hungarian uprising. By the early 1960s he had developed an association with a number of the radical artists and intellectuals grouped as the Situationist International and a number of its members (including Guy Debord and Raoul Vaneigem) were participants in Lefebvre's seminars at the University of Strasbourg. He took up a teaching post at the University of Nanterre in the mid-1960s, where he played an intellectually influential role in the events of May 1968. In the wake of the failure of the 1968 revolution, Lefebvre began working intensively on questions surrounding urbanisation and the role of space in the survival of capitalism.

5 For a blistering attack on Andre Breton and the limitations of the Surrealist movement see Critique of everyday life: vol I, see note 1, at pp110-8.
7 Again, a number of Lefebvre's students during this time, including Daniel Cohn-Bendit, played leading roles in the student movement.
During the course of this eventful life, Lefebvre produced a vast written output. From the early 1930s onwards, he wrote extensively on philosophy, Marxist theory, literature, sociology and the state. In the mid-1930s he shifted to an embrace of Hegel, dialectical thinking and a humanist Marxism, which focused on alienation rather than abstract questions of economic determination. Crucially he applied his methodological approach to alienation to the non-economic domains of everyday life, previously left untouched by Marxist theory. While his philosophical approach and his politics evolved as he became preoccupied with new subject matter, there appears to have been a process of sedimentation of the underlying concepts and themes that run throughout his work. For example, he never lost his interest in Nietzsche, whose themes resurface in his critique of the abstract space of contemporary capitalism. Similarly, his early romantic interest in the relationship of the body, rhythms and space reappears in his final writings on rhythmanalysis and themes arising out of his sociological inquiries into the everyday are integrated into his works on space and the urban.

It is therefore difficult to adequately comprehend one aspect of his oeuvre without being aware of how it relates to others. This is particularly true of his work on the production of space, which is overflowing with references to philosophy, cultural theory, Marxism, sociology and urban studies. One of the problems with the appropriation of his spatial theories by critical geographers is that it has tended to emphasise 'space' to the exclusion of other factors in his writing. This helped to restrict the way in which his work has been used in interdisciplinary research. For a writer so concerned to break down reductive disciplinary boundaries, it is important to try and understand his work with reference to the wide range of topical influences contained within it. So, while Lefebvre's writing can make a valuable theoretical contribution to the interdisciplinary study of law and space, there could be a danger in a project such as this falling into a similar kind of reductive focus on


particular aspects of Lefebvre's work. For example, *The production of space* provides obvious theoretical resources for a critical legal geography that is materialist, dialectical and pluralist. In chapter seven, I will apply Lefebvre's theory of space to one of the most obviously geographical areas of law - planning – as a means of explaining how law is implicated in the production of social space. However Lefebvre's ideas about space are not easily, or helpfully separated from his approach to philosophy, method, politics or sociology. Therefore, in this chapter I will investigate and explore the interconnections between his approach to questions concerning philosophy, social theory, social scientific method, and everyday life. In the next chapter I will consider his work on space, the state and urban life. Chapter four will conclude this Part with a brief overview of the methodological significance of Lefebvre's ideas for critical legal geographies.

2. **Lefebvre, Marxism and critical social theory**

At the heart of Lefebvre's early philosophy interests was a desire to challenge the orthodoxy of French academic philosophy in the aftermath of the first world war. For him and the other young *Philosophes*, the spontaneity and vitality of lived experience could not be adequately captured by either categorical logic, nor the formalistic idealism of Henri Bergson. Lefebvre was at this time, deeply influenced by a form of romantic Nietzscheanism and a non-dogmatic metaphysics as answers to the problems of the post-war malaise. By the late 1920s he had become acquainted with Hegel and, in turn, he began reading Marx's materialist critique of Hegel. The encounter with both these thinkers marked the end of Lefebvre's formal attachment to idealism and the beginnings of his mature philosophy. However, as we will see, the influence of romanticism and Nietzsche in particular, remained close to the surface. Three key aspects can be identified in Lefebvre's approach to Marxism: an emphasis on *dialectical* method and its challenge to Marxist orthodoxy, a broad interpretation of the role of *alienation* under contemporary capitalism, and a conception of society as an *open totality*.

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Dialectical materialism

Given Lefebvre's philosophical pedigree, it is not surprising that his embrace of Marxism would produce an unorthodox theoretical position. From an early point his attempt to theorise the dialectical basis of Marx's ideas was directed at an increasingly dominant Stalinism which he saw as responsible for reducing Marxist thought to a form of positivist economism, based on the model of the natural sciences. Lefebvre's first, book-length attempt to explore Marx's dialectical method can be seen as a riposte to the Stalinist distortions of Marxist theory. The prevailing orthodoxy of the PCF was that Marx's work could be divided into early (humanist or philosophical) and late (scientific) phases. A more sophisticated resuscitation of the same position would later be made by Louis Althusser, who argued that the development of Marx's thought involved a radical rupture or "epistemological break" from his earlier humanist influences. Lefebvre was always adamant that no such simplistic division between the 'early' and 'late' Marx could be made. When Marx began to rediscover the dialectical method in the late 1850s he was developing his economic theory of capitalism. Lefebvre argued that this did not involve a movement away from the materialist and humanist critique of Hegel's idealism. In fact, it was via the pursuit of a materialist understanding of economic and social contradictions and his humanist exploration of alienation that Marx was led back to the dialectical method. Thus a number of Marx's early works reveal “how the development of his ideas – his economic theory – did not destroy his humanism but made it richer and explicit”

11 Lefebvre H (1968) Dialectical materialism, Cape, London. This book was completed in 1938 and in a foreword written more than twenty years after the original text, he explicitly identifies Stalinism as his target, at pp14-15.
13 This was an idea that Althusser took from Bachelard's philosophy of scientific discovery to explain the movement from the young Marx to his later, more "scientific" guise. Implicit in this formulation is an attempt to reduce the influence of Hegel's humanism on Marx's mature economic writings in the volumes of Capital.
14 Lefebvre dates Marx's reappropriation of the dialectic to 1858, around the time he was writing the Critique of political economy and beginning to work on Capital. See Lefebvre H (1968) Dialectical materialism, see note 11, at pp81-3.
15 ibid., at pp101-2. These early works include The German Ideology and The 1844 Economic and Political Manuscripts.
For Lefebvre, a Marxist use of the dialectic plays a crucial role in rescuing content from formalism and restoring the priority of being over thought. While Hegel's use of the dialectic was aimed at producing a closed synthesis encapsulated in the absolute Idea, Marx used the dialectical method to deepen his materialist critique of Hegel's idealist and speculative philosophy. In *Dialectical materialism*, Lefebvre attempted to take this further by introducing the groundwork for his analysis of the spatial aspects of the dialectic: by recognising how production exists in space as well as time. Gottdiener observes in this early work the beginnings of a spatialised Marxism. In the Stalinist reinterpretation of Marx, his original critique of Hegel was one-sidedly used as licence to expunge all Hegelian influences from Marxist theory. Lefebvre saw two major flaws in this revision. Firstly, it reduced Marx's materialism to a mechanistic pseudo-science, emptied of all social complexity. Such a version of materialism depended on a "simplified ontology of material nature" and in turn reduced Marxism to a form of economism.

The second major flaw Lefebvre perceived in the Stalinist version of dialectical materialism was its denial of the humanist critique of the alienation embedded in capitalist social relations. It is to this concept that we turn next.

*Alienation*

It is arguable that no other concept plays a more important role in Lefebvre's thought than alienation. It is implicit in Lefebvre's humanist approach to both Marxism and his understanding of the human condition in general. In fact it was to define and orient

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17 Gottdiener M (1993) 'A Marx for our time: Henri Lefebvre and The production of space', see note 6, at p135. For an analysis of how Lefebvre built on his early ideas in "spatialising the dialectic", see Shields R (1999) *Lefebvre, love and struggle*, see note 4, at pp119-20. Shields argues that *Dialectical materialism* is also an important precursor to later ideas about the importance of social and natural rhythms in the construction of social relations (at p142).

18 Lefebvre H (1968) *Dialectical materialism*, see note 11, at p15.
Lefebvre's research interests throughout the next six decades. Shields portrays Lefebvre as desiring to make alienation "the central problem for progressive thought". The origins of Lefebvre’s interest in alienation can probably be dated as least as early as his collaborative work with Norbert Guterman, La conscience mystifiee. In that work they attempted to explain how artificially secure social institutions and practices such as religion created a "mystified social realm" of fetishism and alienation.

At the core of his restatement of Marx's philosophy in Dialectical materialism is a claim about the importance of alienation in structuring the whole of Marx's critique of capitalist social relations. Not only was the study of the contradictions of social being responsible for leading Marx back to the dialectic, but Marx's economic theory of capitalism had to be understood within the context of alienation as a defining component of the human condition. This implied that alienation had to be understood as a wider concept than would be permitted by its relegation to the study of economic work in bourgeois society. Lefebvre distinguishes alienation from strictly economic exploitation, and applies the term to a range of social relationships beyond those usually considered in orthodox Marxist theory. In his Critique of everyday life, Lefebvre quotes at length from Marx's analysis of alienated labour in the 1844 'Economic and philosophical manuscripts'. Within this passage, Lefebvre finds four forms of alienation:

i) the alienation of the worker who is treated as an object;
ii) the alienation and fragmentation of productive activity in which repetition replaces the creative and fulfilling aspects of labour;
iii) the alienation of people from their own human and social needs;

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19 Shields R (1999) Lefebvre, love and struggle, see note 4, at p17.
21 Shields R (1999) Lefebvre, love and struggle, see note 4, at p46. It was a mystified consciousness which made it possible for fascism to channel social change away from liberation and towards "a revolution by, and in favour of, the state itself" (at p48).
22 ibid., at p42.
iv) the alienation of people from their bodies and natural needs.24

Alienation then, extends beyond the strictly economic relationship involved in labour - it marks the impossibility within bourgeois society "to grasp and to think the other".25 "(T)he alienation of the worker by fragmented labour and machines is only one aspect of a larger - total alienation which is inherent in capitalist society".26 "Alienation is the distancing of subjects from the world, from themselves and from others around them" which facilitates rational analysis and functional transactions and allows "(c)apitalism (to represent) the perfection of a system of alienation that pervades all aspects of life."27 However, the sources of alienation do not lie within capitalist society - "they are an ongoing condition of daily life".28 Unlike the way in which Hegel places an original alienation as the root of contradiction, Lefebvre saw alienation as but one aspect of dialectical contradiction.29 While social contradictions continue to exist, there can be no question of abolishing alienation. Even if a socialist revolution could eliminate gross disparities in economic standards, the division of labour and the oppression of people along non-class lines would continue new forms of alienation.30 Therefore, we can never hope to absolutely eliminate alienation - it is a constant feature of everyday life. As Shields describes it: "living is the practice of overcoming alienation".31 This conclusion is at the core of Lefebvre's desire to turn the attention of Marxist thought to a critique of everyday life. This topic will be explored in more detail later in this chapter.

27 Shields R (1999) Lefebvre, love and struggle, see note 4, at p42.
28 ibid., at p43.
30 ibid., p63. A brief acknowledgement of the applicability of alienation to the oppression of women and those in post-colonial societies appears in Lefebvre H (1968) Dialectical materialism, see note 11, at p16. It shows an early interest in the plurality of social movement politics and the relevance of alienation to groups outside the working class, both of which were to preoccupy him in his later work.
31 Shields R (1999) Lefebvre, love and struggle, see note 4, at p43 (italics in original).
Rather than acquiescing to the pessimistic possibilities suggested by the pervasiveness of alienated existence, Lefebvre saw the struggle for de-alienation as a process towards the creation of the *total man* (sic). Taken from Marx’s ‘Economic and philosophical manuscripts’, the concept of the total man is a transcendent ideal type which transcends the alienated 'economic' or 'rational' man of liberal political economy. S/he represents the reuniting of the fragmented and dispersed components that characterise the alienated subject.\(^{32}\) Taken in isolation, it is possible for the idea of the total man to conjure up once more a kind of teleological, neo-Hegelian idealism.\(^ {33}\) But in order to fully appreciate Lefebvre’s usage of this phrase, we need to investigate the concept of *totality*. Alongside the dialectical method and alienation, totality is the third Hegelian influence reinforced in Lefebvre's Marxism.

*Totality*

This concept has suffered numerous sorry fates, including its confusion with philosophical closure, its collapse into methodological holism and the simplistic identification of it with the totalitarianism of 'actually existing socialism'. Lefebvre recognised the need for a notion of totality in order to provide a meaningful dialectical account of social contradictions, but he was opposed to its teleological use to posit the proletarian revolution as the preordained end of history. He also struggled against scientific versions of Marxism which tended to reduce the role of individuals and their libertarian impulses in the name of a greater structural 'whole'.\(^ {34}\) Lefebvre understands society as an *open totality*, constantly in the process of being transformed by human agency. "All reality is a totality, both one and many, scattered and coherent and open to its future, that is, to its end."\(^ {35}\) This places the material world - the content of social life rather than the mind at the heart of the

\(^{32}\) "The total man is 'de-alienated' man .... Human alienation will end with the 'return of man to himself'(sic), that is to say in the unity of all the elements of the human." Lefebvre H (1968) *Dialectical materialism*, see note 11, at p162.


\(^{34}\) Perhaps the most influential version of this kind of scientism can be seen in Althusser’s structuralist Marxism.

\(^{35}\) Lefebvre H (1968) *Dialectical materialism*, see note 11, at p108.
dialectic, and removes the possibility of artificial closure along the lines of Hegel's speculative synthesis of content.\textsuperscript{36}

Dialectical thinking has never ceased to evolve nor new aspects of it to appear…. Every truth is relative to a certain stage of the analysis and of thought, to a certain social content. It preserves its truth only by being transcended. … The exposition of dialectical materialism does not pretend to put an end to the forward march of knowledge or to offer a closed totality, of which all previous systems had been no more than the inadequate expression. … No expression of dialectical materialism can be definitive, but, instead of being incompatible and conflicting with each other, it may perhaps be possible for these expressions to be integrated into an open totality, perpetually in the process of being transcended….\textsuperscript{37}

Lefebvre’s open totality can be distinguished from the closed version used by Lukacs in \textit{History and class consciousness} to explain proletarian class consciousness.\textsuperscript{38} Instead, the dialectical resolution of contradictions restores totality, only to allow an opening for future transformations. This open-ended and indeterminate nature of the social totality renders the notion of the total man less likely to be confused with the artificial construction of the 'new' or 'Communist' man in Stalinist rhetoric. The social world is in a perpetual process of creation, which depends on more than the operation of abstract economic laws and social structures. Politically this provides a model for the constant transformation of society by the active potential of human agency. The material intervention of human praxis is crucial for the dialectical transformation of social life.\textsuperscript{39} One of the consequences of an open

\begin{footnotesize}
\begin{enumerate}
\item \textit{ibid.}, at pp48-50.
\item \textit{ibid.}, at pp110-1.
\item Jay M (1984) \textit{Marxism and totality: the adventures of a concept from Lukacs to Habermas}, Polity Press, Cambridge at p296. This book provides the most comprehensive discussion of the role of totality in Lefebvre's thought (at pp293-9), and references an article from the mid-1950s as the clearest exposition of the difference between open and closed totalities in his thought: see Lefebvre H (1955) 'La notion de totalité dans les sciences sociales', \textit{Cahiers Internationaux de Sociologie}, 18: 55-77.
\item This perspective has some marked similarities with the \textit{transformational model of social activity} propounded by the critical realist philosopher Roy Bhaskar. See Bhaskar R (1979) \textit{The possibility of naturalism}, Harvester Press, Brighton, at pp45; Bhaskar R (1989) ‘On the possibility of social
\end{enumerate}
\end{footnotesize}
social totality for Lefebvre, is the need for partial and marginalised groups to participate in a "total project" which "expressly proposes a radically different way of living".\textsuperscript{40} While not wishing to impose an organicist holism on political action or deny the importance of marginal sites of struggle,\textsuperscript{41} Lefebvre is wary of relying solely on these partial strategies of transgression.

Transgressions can point towards such a project, but they cannot realise it; they leave it in the realms of ideality (as opposed to reality) and of desire, which turns out to be 'mere' ... verbal desire.\textsuperscript{42}

At a theoretical level, the emphasis on totality in Lefebvre's writing manifests his struggle to cross the boundaries that separate the social-scientific disciplines. The fragmentation and compartmentalisation of the human sciences only contributes to a theoretical ignorance of the social totality and of the unity of knowledge and reality.\textsuperscript{43} An attack on the reductionism inherent in this disciplinary specialisation is at the centre of his attempt to build on Marx's original theme - that of the study of a "differentiated totality" and "the dialectical inter-relations between men (sic) active in society and their multifarious, contradictory accomplishments".\textsuperscript{44}

\textit{Marx / Hegel / Nietzsche}

The inspiration of Hegel for Lefebvre's humanist version of Marxism can be readily acknowledged, but what is less often appreciated is how he incorporated his early interest in Nietzsche into his theoretical concerns throughout his life. Shields even goes as far as to

\textsuperscript{40} Lefebvre H (1976) \textit{The survival of capitalism}, Allison & Busby, London, at p34.
\textsuperscript{42} Lefebvre H (1976) \textit{The survival of capitalism}, see note 40, at pp34-5. However it is important to acknowledge the extent of Lefebvre’s political pluralism. See for example Lefebvre H (1971) \textit{Le manifeste differentialiste}, Gallimard, Paris. Similar sentiments can be found in his concept of the ‘right to difference’ in Lefebvre H (1991) \textit{The production of space}, see note 1, at pp396-7.
\textsuperscript{43} Lefebvre H (1968) \textit{The sociology of Marx}, Penguin, Harmondsworth, at pp22-3.
\textsuperscript{44} \textit{ibid.}, at p23.
suggest that *Dialectical materialism* should be read in conjunction with his text on Nietzsche written in the same year,\(^{45}\) where he attempted to rescue the German thinker both from co-optation by fascism, and vilification at the hands of the PCF. In particular, in Nietzsche's notion of overcoming (*Überwinden*), he saw a corrective to the dangers of a linear and progressivist interpretation of Hegel's dialectic.\(^{46}\) Lefebvre vigorously opposed the orthodox Marxist use of the dialectic to create an artificially closed synthesis as the endpoint of an inevitable historical progression.

It seems clear that one of the major underlying themes of his philosophical approach was an attempt to integrate the work of the three great German thinkers - Hegel, Marx and Nietzsche into a liberatory and thoroughly dialectical social theory. His preoccupation with this trio carries through into his concerns in a number of later works.\(^{47}\) It has already been noted that Lefebvre’s engagement with Hegel was always a critical one. He deeply felt the conservative and politically limiting aspects of Hegel's philosophy and was often quick to distance his critical approach from versions of neo-Hegelianism. By contrast, he often found it difficult to restrain his enthusiasm for Nietzsche. In this thinker, he found the resources for a critique of closure and the kind of celebration of art, play, festival and bodily pleasures embraced by his philosophical approach. *The production of space* is littered with references to Nietzsche, including a passage where he explicitly positions Marx and Nietzsche together, as the source of a radical critique of the closure of Hegel that is “rooted on the one hand in social practice (Marx) and on the other hand in art, poetry, music and drama (Nietzsche) - and rooted, too, in both cases, in the (material) body”.\(^{48}\)


\(^{46}\) *ibid.*, at p71.


\(^{48}\) Lefebvre H (1991) *The production of space*, see note 1, at p406. Perhaps the most explicit and audacious entwining of Nietzsche and Marx occurs towards the end of that book where he asserts: "The revolutionary road of the human and the heroic road of the superhuman meet at the crossroads of space." (at p400)
will return to the importance of Nietzsche in Lefebvre's thought when considering his theory of the *production of space* in the next chapter.  

*Lefebvre and critical social theory*

Throughout the course of the twentieth century Lefebvre made a major contribution to the development of an open, critical Marxist tradition in the social sciences. From what has been described so far, Lefebvre's Marxism was an original amalgam of philosophical influences and it never sat easily with more orthodox interpretations of Marx. By the mid-1950s his undisciplined approach had became too difficult for the PCF hierarchy to accept and this was the main reason for his expulsion from the party in 1956. Despite his resistance to orthodoxy, it is worthwhile emphasising the centrality of Marxist categories and concepts in almost all of his theoretical and sociological works. A number of the defining features of his philosophical approach, including the need for a dialectical approach to social inquiry, the importance of the concept of alienation and the emphasis on an open social totality, have a pedigree within the critical or western Marxist tradition. The relationship between Lefebvre and others within this tradition has not yet been comprehensively explored.

One of the most obvious absences is the lack of a detailed comparison between Lefebvre's work and that of members of the Frankfurt school - including Theodor Adorno, Max Horkheimer and Herbert Marcuse. Shields points out some obvious similarities in the emphasis on the dialectical method amongst all western Marxists, and Jay emphasises a shared acceptance of the idea of totality amongst this group of theorists. However, one

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50 For useful contributions see Anderson P (1976) *Considerations on western Marxism*, see note 2; Anderson P (1983) *In the tracks of historical materialism*, Verso, London; Poster M (1975) *Existential Marxism in postwar France*, see note 2. Poster situates Lefebvre within a long humanist tradition in French Marxism, but his analysis too readily subsumes Lefebvre's work under the umbrella of existentialism.


crucial difference with the Frankfurt School was Lefebvre’s positive political prognosis for struggles against alienation through an open-ended dialectic. This presented a much more optimistic picture than the fatalism and negativity in the face of consumer culture painted by Adorno and Horkeimer.\(^{53}\) Similarly, Lefebvre distanced himself from the superficially attractive, but ultimately pessimistic analysis of Marcuse. Poster briefly sketches a comparison between Marcuse's mix of Marxism and psychoanalytic concerns to explain the "one-dimensionality" of western society and Lefebvre's critique of everyday life.\(^{54}\) It is clear that Lefebvre viewed Marcuse as introducing a systematising closure based on an internal social logic which effectively negated the possibility of qualitative social transformation.\(^{55}\)

Lefebvre's importance within French intellectual life was often overlooked by the Anglo-American social sciences during the 1970s and 80s in their shift to an embrace of one or another version of structuralism, structuralist Marxism and later poststructuralism. In fact, his position as one of the most consistent and fervent critics of structuralism and poststructuralist tendencies probably contributed to his marginal status in the English-speaking world during this time. Over the last two decades, there has been a ‘convenient’ downplaying of the Marxist pedigree of his writing and a tendency to assimilate and conflate his work with the concerns of postmodernist scholarship. When his contribution has been recognised, it has often been as a proponent of theoretical ideas which are attractive to a form of postmodern theory, already attuned to the spatial dimensions of social life.\(^{56}\) At times, this has contributed to a blurring of distinctions between Lefebvre and his contemporaries from the 1960s onwards. While the comparison between Lefebvre

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\(^{55}\) Lefebvre H (1976) *The survival of capitalism*, see note 40, at pp114-5.

\(^{56}\) This has already been noted in chapter one at p27. See for example: Soja E (1989) *Postmodern geographies*, see note 3; Dear M (1997) 'Postmodern bloodlines' in Benko G and Strohmayer U (eds) *Space and social theory: interpreting modernity and postmodernity*, Blackwell, Oxford, pp49-71.
and variants of poststructuralism is certainly of interest, his desire was to use the fruitful research tools that Marx provided and introduce new elements to analyse the contemporary world. In this project, Lefebvre saw the need to supplement Marx's central themes with concepts such as "the everyday, the urban, social … space" and "the tendency toward a state-oriented mode of production."  

Whereas structuralism loomed as an attractive option for many intellectuals in France during the 1950s and 60s, Lefebvre was not seduced by its lure. His resistance to all manifestations of reductionism led him to castigate structuralism as the artificial privileging of one concept to impose a theoretical coherence to social phenomena. While accepting the necessity of reduction in science to render "complexity and chaos" comprehensible, once systematised, reduction can easily transform itself into the trap of reductionism. Like the errors of formalism (the prioritising of form) and functionalism (the prioritising of function), structuralism worked to separate structure and exclude other elements from analysis. The use of structuralist linguistics in the anthropological work of Levi-Strauss reduced social structures to mental structures; which in turn reduced social life to a linguistic model. Lefebvre felt that the attempt to establish this 'specialism' as a general methodological approach for the social sciences was a retreat from the task of explaining how the social relations of contemporary capitalism, in all their global complexity, are reproduced. In particular, the anti-humanism implicit in structuralism rendered it incapable

57 Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', in Nelson C and Grossberg L (eds) Marxism and the interpretation of culture, University of Illinois Press, Urbana, pp75-88, at p77. In The production of space (see note 1), he provides an extended justification of his attention to questions of space by linking it with the plan outlined in Marx’s Capital (at pp99-104). His relationship with Marxism and his argument that it needs to be 'spatialisation' may be summarised in the following thesis:

Each of the concepts of Marxism may be taken up once more and carried to a higher level, without any significant moment of the theory as a whole being lost. … The renewal of Marx's concepts is best effected by taking full account of space.

Lefebvre H (1991) The production of space, see note 1, at p343.

58 Lefebvre H (1991) The production of space, see note 1, at pp105-7.
of dealing with the variety of lived experiences found amidst the everyday.\textsuperscript{59} Lefebvre saw in structuralism a key intellectual legitimation of a new form of alienation organised by a technocratic bureaucracy and he articulated his critique in a series of texts through the 1960s and 70s.\textsuperscript{60}

When structuralist themes began to 'infiltrate' Marxist scholarship - chiefly through the work of Althusser – Lefebvre’s response was scathing. We have already noted his longstanding opposition to the kind of rupture envisaged by Althusser between the 'humanist' and 'scientific' Marx. In addition, he characterised Althusser's systematic schema as a superimposition of coherence on the social contradictions of capitalism. His negotiation between the determination of the economic and the overdetermination of phenomena by multiple influences was for Lefebvre a convoluted theoretical mess which "needs to be dealt with in the ironic mode, that is to say as farce."\textsuperscript{61} Despite an obvious common interest in Nietzsche, he directed similar polemical venom towards Foucault, particularly his book \textit{The order of things}.\textsuperscript{62} He portrayed Foucault’s ideas as an intellectual prop for the power of a technocracy.\textsuperscript{63} Lefebvre recognised the importance of discourse in perpetuating social relations, but he saw in Foucault's systematisation of language - "within which one exists socially through discourse and by discoursing" - a misunderstanding of the relationship between knowledge and power.\textsuperscript{64} Through his construction of an

\textsuperscript{59} Lefebvre H (1976) \textit{The survival of capitalism}, see note 40, at pp69-70. Levi-Strauss receives a particularly acerbic dig over his work on kinship which: "contrives to deal with the family and with social relationships without once mentioning sex or eroticism". \textit{ibid.}, at p296.


\textsuperscript{61} Lefebvre H (1976) \textit{The survival of capitalism}, see note 40, at pp63-4. Without mentioning Manuel Castells by name, Lefebvre makes specific reference to the application of Althusser's ideas in the analysis of urban phenomena as "trivial" and “tautological". (at pp65-6)


\textsuperscript{63} At one point he referred to him as an "ideologue of the system". Kofman E and Lebas E (1996) 'Lost in transposition: time, space and the city', see note 6, at p25.

overwhelmingly dominant system, Lefebvre argues Foucault inevitably confined his analysis to marginal areas of domination and ignored questions of human agency.

Lefebvre's relationship with psychoanalysis was also a troubled one and he was resistant to attempts to use it as a guiding methodology for the social sciences. His early interest in Freud during his flirtation with surrealism was replaced by a growing hostility towards psychoanalysis during his later years. However, writers such as Derek Gregory, and Vicki Blum and Heidi Nast have spent considerable energy in drawing connections between Lefebvre's *Production of space* and the work of Jacques Lacan. Blum and Nast in particular highlight the heterosexualised assumptions implicit in Lefebvre's critique of the abstract space of capitalism. Despite Lefebvre’s effort in distinguishing himself from Lacan, they argue that he only succeeds in reproducing key psychoanalytic concepts. Indeed there are numerous overlapping concerns with psychoanalysis which Lefebvre made no attempt to disguise. But in his later works he became increasingly concerned to avoid the reductionism involved in overestimating the importance of the unconscious. An example of his dissatisfaction with the efficacy of psychoanalysis as a method can be seen in the following statement:


66 In a particularly evocative passage he asserts: "It might be truer to say that everyday life is a crust of earth over the tunnels and the unconscious and against a skyline of uncertainty and illusion that we call Modernity...." Lefebvre H (1984) *Everyday life in the modern world*, see note 41, at p109. Michael Kelly sees an attempt to recast the unconscious in a famous passage in the first volume of the *Critique of everyday life* in which Lefebvre pays a visit to a country church:

I hesitate on its humble, unadorned threshold, held back by a kind of apprehension. I know what I shall find: an empty, echoing space, with hidden recesses crammed with hundreds of objects, each uttering the silent cry that makes it a sign. (at p213)

It must be admitted … that psychoanalysis has given (or rather given back) a meaning to sex, as Marx gave back a meaning to labour and non-labour. To sex, yes, but not to the body, nor to pleasure…  

Lefebvre was also critical of a range of other attempts to explain contemporary social life by using the logic of particular systems. Examples include Marshall McLuhan's celebration of the mass media, Guy Debord's portrayal of the Society of the spectacle, and Jean Baudrillard's attempt to systematically explain the social world through the analysis of signs. While at one time teaching and collaborating with Debord and the Situationists during his time in Strasbourg, Lefebvre argued that spectacularisation and dependence on visualised forms of media are isolated symptoms of a wider logic of visualisation inherent in the contemporary world. Baudrillard, another former student of Lefebvre, combined the logic of exchange value with a reduction of use values to the use of signs. This combination of semiotics and aspects of Marxist analysis was seen by Lefebvre as yet one more simplifying system - a non-dialectical attempt to reduce and absorb real social contradictions into the world of the sign.

The philosophical concerns that arise from Lefebvre's articulation of a non-Stalinist, liberatory Marxism are manifest in the particular sociological inquiries that he undertook.

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67 Lefebvre H (1976) The survival of capitalism, see note 40, at p32. Other appropriations of psychoanalytic rhetoric did not fare any better with Lefebvre. In a discussion of Deleuze and Guattari's Anti-Oedipus he dismisses their claim that capitalism prolongs itself through the generation of "a flux of inanities" as "simply the hypothesis of Bergsonian philosophy, revised and corrected by psychoanalysis. By separating time from space, it turns the schizoid into an explanatory principle." (at p34). By the 1970s he had a clear aim to replace the influence of psychoanalysis with a more global investigation of bodily rhythms. See Lefebvre H (1996) ‘Elements of rhythmanalysis’, see note 9, pp219-40; Lefebvre H and Regulier C (1999) ‘The rhythmanalytical project’, see note 9, 11(1): 5-13.


from the late 1940s onwards. Underpinning all his work, from his considerations of everyday life, to the production of space and through to his writings on the state and rhythmanalysis, is a desire to produce a social theory capable of explaining the reproduction of the social relations of capitalist society. The next section will explore the first of these concrete areas of investigation – that of everyday life.

3. The critique of everyday life

Lefebvre is perhaps most well-known for introducing the concept of the ‘everyday’ to "the vocabulary of Marxism".\footnote{Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', see note 57, at p78. Gottdiener regards Lefebvre's three-volume \textit{Critique of everyday life} as the most significant of his life's works. Gottdiener, M (1993) 'A Marx for our time: Henri Lefebvre and the production of space', see note 6, at p129.} This is an imperfect English translation of \textit{la quotidienne} and conjures up the idea of repetition in daily life. In its appearance, the everyday is the insignificant and the banal - in Hegel's words "the prose of the world".\footnote{Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', see note 57, at p78.} It may be called "real life"; "the here and now" - it encompasses "sustenance, clothing, furniture, homes, neighbourhoods, environment … ".\footnote{Lefebvre H (1984) \textit{Everyday life in the modern world}, see note 41, at p21.} It is material life but with a "dramatic attitude" and "lyrical tone."\footnote{ibid., at p22. See also McLeod M (1997) 'Henri Lefebvre's critique of everyday life', see note 6, at pp13-5.} In Lefebvre's writing we must distinguish the everyday from the commonly used phrase 'daily life' (\textit{la vie quotidienne}) which has a more timeless meaning associated with the habits of day-to-day existence. The everyday is intended as a critical concept capable of theorising the ordinary, trivial, banal and repetitive characteristics of life under contemporary capitalism. For Lefebvre,

the word \textit{everyday} designates the entry of ... daily life into modernity: the everyday as an object of a programming ..., whose unfolding is imposed by the market, by the system of equivalences, by marketing and by advertisements. As to the concept of
'everydayness', it stresses the homogeneous, the repetitive, the fragmentary in everyday life.\textsuperscript{75}

Written between 1945 and 1947, the introductory volume to the \textit{Critique of everyday life}\textsuperscript{76} did not begin to have a widespread impact on Marxist thought until some decades later. It was initially greeted with suspicion by orthodox Marxists for its sociological attention to those aspects of social life beyond the domain of productive labour. By the late 1960s his analysis of the everyday had reached a wider audience and provided a theoretical vocabulary for the critique of French society by the students of May '68. The first volume of the \textit{Critique} concentrates on particular everyday situations in post-war France ranging from the rituals of peasant life and the role of the church to the introduction of new consumer products and the new myths that modernity had ushered in. In the second instalment, he abandoned numerous proposed plans to follow from the introductory work and instead provided a methodological treatise for a sociology of the everyday which embraced his \textit{theory of moments} and challenged the reductionism inherent in prioritising form, function or structure. Observing the changes in the everyday between the late 1940s and when the second volume of the \textit{Critique} was written in the early 1960s, it was apparent to Lefebvre that the analysis of the everyday requires an understanding of the deep connections between consumer culture, urbanisation and the state. A summary description of these changed circumstances can be observed in the popularising text \textit{Everyday life in the modern world}.\textsuperscript{77} The last volume of the \textit{Critique of everyday life} marked a return to explicitly Nietzschean concerns to account for changes in the everyday during the four decades since the war.\textsuperscript{78}

\textsuperscript{75} Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', see note 57, at p 87. For further discussion of the distinction between the idea of the 'everyday' and 'daily life' see Shields R (1999) \textit{Lefebvre, love and struggle}, see note 4, at p66.

\textsuperscript{76} Lefebvre H (1991) \textit{Critique of everyday life vol I}, see note 1. This first volume was followed by two further volumes: Lefebvre H (2002) \textit{Critique of everyday life vol II}, see note 1 (originally published in 1961), and the as yet untranslated Lefebvre H (1981) \textit{Critique de la vie quotidienne III: De la modernite au modernisme (Pour une metaphilosopie du quotidien)}, L'Arche, Paris.

\textsuperscript{77} Lefebvre H (1984) \textit{Everyday life in the modern world}, see note 41, at pp58-60.

\textsuperscript{78} For an outline of these three volumes see Shields R (1999) \textit{Lefebvre, love and struggle}, see note 4, at pp75-6.
Just as Marx's concentration on labour effectively expanded the Western philosophical interest in one aspect of everyday life, Lefebvre saw himself as continuing and deepening the attention of Marxist theory to the social practices of the everyday.\(^{79}\) Despite the outward claims of Marxism to investigate aspects of the social totality beyond economic relations - its various forms of orthodoxy had failed to extend its analysis to the micro-structures of everyday lived experience. The *Critique of everyday life* was an attempt to sociologically investigate the banality and repetitive routine of day-to-day life and apply Marxist concepts to the material conditions of modernity - in all their complexity. In performing this function Lefebvre was to establish the role of Marxism as "the critical knowledge of everyday life"\(^{80}\) However, in order to do so it was necessary to return to a forgotten concept. "(T)he *Critique of everyday life* was built entirely around a concept which Lenin had left aside or neglected, the concept of *alienation.*"\(^{81}\)

*Everyday life and alienation*

As mentioned previously, alienation lies at the heart of Lefebvre's Marxism, and like his general theory of alienation, the concerns of the *Critique of everyday life* have their origins with *La conscience mystifiee* - written with Norbert Guterman in the early 1930s. That book is concerned with the way in which the artificial and alienated existence of modernity is mystified and rendered tolerable by bourgeois ideology. Guterman and Lefebvre suggested the starting point of a critique of such an ideology would be "with the portrait of the most prosaic of men in his everyday life".\(^{82}\) Under conditions of alienation it is possible for the relations between people to be masked by objects - the fetishism of commodities. Hence the idea of uncovering the 'mystifications' that disguise reality was

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\(^{79}\) "(W)orkers do not only have a life in the workplace, they have a social life, family life, political life; they have experiences outside the domain of labo(u)r." See Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', see note 57, at p78.

\(^{80}\) Lefebvre H (1991) *Critique of everyday life vol.I*, see note 1, chapter 3, and at p176. To read the introductory volume of the *Critique* is to become immersed in a reconstruction of the critical tendencies of Marxism as much as to learn about the content of everyday life. See also Lefebvre H (2002) *Critique of everyday life vol.II*, see note 1, at pp98-9.


\(^{82}\) Trebitsch M (1991) 'Preface', see note 25, at p.xvii.
derived from a general reading of alienation as a falsified "relationship to the world".  For Lefebvre, alienation increasingly became a more fundamental concept and it seems to have eclipsed mystification as a focus of theoretical concern in his later work.

However, he never completely shed his interest in how the reality of contemporary life is disguised and concealed from view. "The everyday is a kind of screen, in both senses of the word; it both shows and hides; it reveals both what has and has not changed." For Lefebvre, the need for the reconstruction of Marxism as the critical knowledge of everyday life stemmed from his assertion that "people in general, do not know their own lives very well … (but) see them and act them out via ideological themes and ethical values". This 'estrangement' of people from themselves can be described theoretically by the categories of psychological and moral forms of alienation, alongside the alienation of labour. Contrary to claims that a theory of alienation might be out of date, Lefebvre reasserted its importance in later work, claiming that alienation had now broadened to include forms of technology, the role of the bureaucracy and urban life.

The centrality of alienation for Lefebvre's conceptualisation of everyday life distinguishes his formulation from a number of other theorists. Trebitsch places special emphasis on the use of the comparable German term Alltaglichkeit, by George Lukacs and Martin Heidegger. The young Lukacs adopted the term in his pre-Marxist work - Metaphysik der Tragodie to define the trivial, inauthentic aspects of human life which are "indistinguishable from the world of objects." Likewise in Being and time, Heidegger characterised Alltaglichkeit as "the inauthentic existence of Dasein … (which) … opens the

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83 ibid.
84 Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', see note 57, at p78. As we will see in chapter three, one of the major concerns of his later work is the predominant role of a visualised logic in concealing the depth of social reality.
85 Lefebvre H (1991) Critique of everyday life vol I, at p94. We must be careful to distinguish this idea from the more simplistic explanation of working class political passivity as residing in a notion of false consciousness.
86 ibid., at pp148-75.
87 Lefebvre H (1984) Everyday life in the modern world, see note 41, at p94.
way to a loss of direction, to dereliction and disquiet".\textsuperscript{89} For Lefebvre, everyday life could not be simply reduced to a type of inauthenticity. He was particularly resistant to Heidegger's pessimistic and archaic attitude towards \textit{Alltaglichkeit}. By grounding the lack of authenticity in an alienation which could be challenged by critical knowledge, Lefebvre suggested the positive political potential of everyday life. As Trebitsch describes it:

( Everyday life) is not simply a residuum …; it is both a parody of lost plenitude, harmony and unity and the last remaining vestige of that plenitude.…. (The) critique of everyday life is … at once a rejection of the inauthentic and the alienated, and an unearthing of the human which still lies buried therein.\textsuperscript{90}

\textit{Everyday life and the philosophy of moments}

One avenue for this unearthing is what Lefebvre describes as \textit{moments of presence} - fleeting, sensate instants in which the "totality of possibilities contained in daily existence" were revealed.\textsuperscript{91} While destined to pass in an instant, it is through such moments that we are able to catch glimpses of the relation between the everyday and the social totality. Greil Marcus refers to the relevance of the theory of moments in his analysis of the phenomenon of punk rock and identifies a range of moments - tiny epiphanies manifesting feelings of … love, hate, poetry, frustration, action, surrender, delight, humiliation, justice, cruelty, resignation, surprise, disgust, resentment, self-loathing, pity, fury, peace of mind ….\textsuperscript{92}

Shields sees the roots of Lefebvre's philosophy of moments in his youthful involvement with the Dada movement and suggests it was developed in opposition to Bergson's understanding of time as a linear duration (\textit{duree}) of separate instances. Moments are "experiences of detachment from the everyday flow of time" which puncture the banality of

\textsuperscript{89}\textit{ibid.}, at p.xviii.
\textsuperscript{90} \textit{ibid.}, at p.xxiv. In passing, Trebitsch also suggests a link between Lefebvre's 'everyday' and Jurgen Habermas' concept of \textit{lifeworld} (at p.xxviii).
\textsuperscript{91} Harvey D (1991) 'Afterword', in Lefebvre H, \textit{The production of space}, see note 1, at p429.
everyday life and redeem it for Lefebvre. The tendency to scorn the everyday (as seen in both Bergsonian vitalism and Heidegger's *Being and Time*), only contributes to a gigantic absence as a single vision of totality. Through understanding moments of presence as occurring *within* everyday life, fleeting possibilities exist for the experience of life in an unalienated fashion. However the moment is an "impossible possibility", inevitably carrying alienation with it.

It is destined to fail, it runs headlong towards failure. In our view, the link between the tragic and the everyday is profound; the tragic takes shape within the everyday, comes into being in the everyday, and always returns to the everyday …

All the activities that constitute everyday life must then be rethought in terms of a dialectic of presence and absence and each moment is simultaneously an opportunity for alienation and disalienation. The politically radical potential that lies within the everyday through festival, play and social struggle will be explored towards the end of this chapter. First though, I turn to the modern evolution of everyday life.

*A history of everyday life*

Lefebvre describes three historical phases of the everyday. The first was deeply linked to nature, religious mysticism and the immediate in which "the rhythms of life could be only poorly distinguished from the rhythms of nature". While capitalism deployed industrial technology to great effect in the arena of production, lived experience was not infiltrated by the products of industrialisation until the middle of the twentieth century. A second phase coincided with the rise of urbanisation and mass consumer culture, when the commodity managed to insinuate itself into the minutest crevices of everyday life. The effect of this was to establish an organisation and subdivision of the everyday according to categories of consumer goods. This phase still allowed for some measure of spontaneity, however it was

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94 *ibid.*, at p60. For Lefebvre’s critique of Bergson’s philosophy in this context see Lefebvre H (2002) *Critique of everyday life vol.II*, see note 1, at p342.
96 Shields R (1999) *Lefebvre, love and struggle*, see note 4, at p70.
superceded by a third stage dominated by the active control, manipulation and programming of the everyday by technocrats and administrators. Through the mass media, forms of advertising and state bureaucratic collaboration, capitalism colonises the everyday and institutes what Lefebvre terms the *bureaucratic society of controlled consumption.*

Unlike the "spontaneous self-regulation" of the era of competitive capitalism, everyday life in the contemporary west has become a "voluntary programmed self-regulation" contained within a closed circuit of production-consumption-production.

Lefebvre argues that premodern societies manifested a great diversity of social practices while achieving a high degree of internal unity. With the advent of modernity, the permeation of everyday life by technocratic rationality and bureaucratic organisation has replaced these characteristics with tendencies towards homogeneity and uniformity while simultaneously introducing fragmentation and functional specialisation. Consequently, all aspects of "domestic life, leisure time (and) cultural activity" have fallen prey to this systematisation.

*The subsystems of everyday life*

It would be wrong to suggest that the relative unity of premodern societies implies an organic holism which prevents critical analysis of the relationship between the individual and the social. However one of the ways in which the imposition of technological rationality which services commodity consumption has been most disruptive, is by the isolation and separation of three key components of social life: *form, function* and *structure.* Subjects, objects and institutions have always presented themselves in recognisable forms; people have always performed a range of social functions; and natural and social structures have allowed for the performance of these functions. However, while

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99 *ibid.*, at p72.
101 For a discussion of the relationship between form, function and structure see: Lefebvre H (2002) *Critique of everyday life vol.II:* see note 1, at pp156-65, pp176-79 and p199. Focusing solely on function, form or structure leads to the reductive theoretical types of *functionalism, formalism* and *structuralism.*
not recognised as distinct entities, they remained part of a social whole. Once identified and disengaged from each other, it became possible to impose functions through “constraint and persuasion”. Through this process, a multiple set of subsystems has been established; each in “its own way a coherent set of durable objects.” Local styles give way to “a universalising system of structures and functions”. These supposedly autonomous subsystems (for example architecture, law, food, fashion and transport), present an apparent diversity amidst an overwhelming uniformity.

The everyday can be defined as a set of functions which connect and join together systems that might appear to be distinct … (I)t is therefore the most universal and the most unique condition, the most social and the most individuated, the most obvious and the best hidden. … (T)he everyday constitutes the platform on which the bureaucratic society of controlled consumption is erected.

With the collapse of the referent in social life under the conditions of late modernity, the everyday … remains a sole surviving common sense referent and point of reference. … The concept of everydayness is not a system but a denominator common to existing systems including judicial, contractual, fiscal, and police systems. … (I)t reveals the extraordinary in the ordinary.

So there is no single system of everyday life - but a series of subsystems with their own specialised social activities, sets of bureaucratic organisations and institutions, and defining texts or codes. Lefebvre mentions several examples in passing, including fashion, tourism and the commodification of cookery. However nothing is able to beat the subsystem which has been generated around the motor car. The car introduces a way of conceiving social space that prioritises motoring and traffic needs over others such as housing. It

103 ibid., at p9. In other words: "neo-capitalism has been able to establish itself … upon the soil of the everyday." Lefebvre H (1976) The survival of capitalism, see note 40, at p58.
105 The latter was disengaged from its prior status as a regional household craft to become a formalised and specialised activity. Lefebvre H (1984) Everyday life in the modern world, see note 41, at pp99-100.
occupies a substantial part of many people's daily lives, and yet it enables us to intermingle without meeting, providing "simultaneity without exchange".\textsuperscript{106} It has its own code and foists its laws on everyday life as well as fostering hierarchies of size, power and performance.\textsuperscript{107} But more importantly it operates as a substitute: for "eroticism", "adventure" and "human contact". "(T)he motor car with its retinue of wounded and dead, its trail of blood, is all that remains of adventure in everyday life, its paltry ration of excitement and hazard."\textsuperscript{108}

\textit{Repetition and change}

The repetition and banality associated with the alienation of everyday life reaches new heights under the aegis of the bureaucratic society of controlled consumption. But this does not imply a completely regimented and robotic regime of existence. The everyday occupies a position at the intersection of production and consumption, which makes it the meeting point of two modes of repetition. It is the juncture between

\begin{itemize}
  \item the cyclical, which dominates in nature … (nights and days, seasons and harvests, activity and rest, hunger and satisfaction) …
  \item and the linear, which dominates in processes known as 'rational' … (the repetitive gestures of work and consumption).
\end{itemize}

The tendency in the contemporary world is for the repetitive to mask and to crush the cycles.\textsuperscript{110} This prevalence of the repetitious occurs in all spheres of social life and is connected to a more general process by which capitalism has been able to reproduce its social relations. In \textit{The survival of capitalism}, Lefebvre argues that the reproduction of the social relations of production - the constant renewal of constitutive relations, occurs at one

\begin{itemize}
  \item \textsuperscript{106} \textit{ibid.}, at p101. An observation even more accurate in the Australia of 2003 than it was in the France of the early 1970s.
  \item \textsuperscript{107} \textit{ibid.}, at p102. Here Lefebvre notes a similarity with the hierarchies of physicality and performance characterising the human body's relationship to sport.
  \item \textsuperscript{108} \textit{ibid.}, at p101.
  \item \textsuperscript{109} Lefebvre H (1987) 'The everyday and everydayness', see note 100, at p10. See also Lefebvre H (2002) \textit{Critique of everyday life vol.II}, see note 1, at p232 and p239.
  \item \textsuperscript{110} This is aided by the \textit{logic of visualisation} which "serves to conceal repetitiveness", and subsumes Debord’s concept of spectacularisation. See: Lefebvre H (1991) \textit{The production of space}, see note 1, at pp75-6. Note similar sentiments in Berger J (1972) 'The changing view of man in the portrait', in \textit{The look of things: selected essays and articles}, Penguin, Harmondsworth, at p40.
\end{itemize}
level through the colonisation of the everyday. One effect of this is the tendency towards *reproducibility* as a requirement of reproduction and the presentation of the repeated as new.\(^{111}\) The symptoms of this appear in the false nostalgia for the reproduction and imitation of *œuvres* from previous social formations in which it becomes almost impossible to distinguish between false and authentic.\(^{112}\) The reproduction of the archaic in the modern conceals the reality of a society which is renewing itself. Here again we can observe Lefebvre’s concern with the way in which the everyday mystifies and alienates people from the reality of their circumstances.

From this bleak picture some might conclude that the colonisation of the everyday has become absolute, with no prospect of escape from an inevitable process of commodification. This might be the only alternative if the everyday is conceived as an arena of pure passivity.\(^{113}\) In opposition to this, Lefebvre depicts the everyday as a complex phenomenon, which both provides means of satisfaction and provokes a kind of "malaise" pointing towards new aspirations.\(^{114}\) It is this multi-faceted portrayal that allows Lefebvre to both identify the banal in the everyday and to imagine it as the site of a de-alienating return to symbolic values repressed within the bureaucratic society of controlled consumption.

The most obvious or common sense escape route from the banality and repetition of the everyday is the quest for a counter-space in the devotion to leisure activity. However for Lefebvre, this provides a false solution. "The case against leisure is quite simply closed -

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\(^{111}\) Lefebvre H (1976) *The survival of capitalism*, see note 40, at p32.

\(^{112}\) *ibid.*, at pp32-3.

\(^{113}\) It is possible to detect a pessimistic fatalism in the face of consumer capitalism in the work of a number of critical theorists, who deny the possibility of transformational agency arising from the circumstances of the everyday. For example see Horkeimer M and Adorno T (1973) ‘The culture industry: enlightenment as mass deception’, see note 53; Baudrillard J (1998) *The consumer society: myths and structures*, Sage Publications, London; Lyotard J (1984) *The postmodern condition*, Manchester University Press, Manchester. Also see the discussion above at pp49-50.

\(^{114}\) Lefebvre H (1988) 'Toward a leftist cultural politics: remarks occasioned by the centenary of Marx's death', see note 57, at p80.
and the verdict is irreversible: leisure is as alienated and alienating as labour.\textsuperscript{115} Like the products of other industries, leisure spaces are "arranged functionally and hierarchically"\textsuperscript{116} and can only offer an illusory and manufactured form of emancipation. The effect of this is to extend and consolidate the hegemony of bourgeois social relations within everyday life. While leisure tends to serve the reproduction of production relations, the drive towards an unalienated existence cannot be permanently repressed.\textsuperscript{117} The body "calls for revenge."\textsuperscript{118} As we will see in chapter three, in order to achieve its potential, such a revolutionary reprisal must "produce a new space". It “must manifest a creative capacity in its effects on daily life, on language and on space - though its impact need not occur at the same rate, or with equal force, in each of these areas.”\textsuperscript{119}

\textit{Everyday life, the body and social struggle}

If the resources for a revolt against existing relations lie within everyday life, how do we recognise them and of what do they consist? While everyday life may seem stable, it is constantly open to change. Contemporary life might seem to be dominated by a linear form of temporality, monotony and repetition. But it can be "redeemed by the renewal of nature's cyclical time" and the reassertion of social practices of festival and play.

A revolution takes place when and only when, … people can no longer lead their everyday lives; so long as they can live their ordinary lives relations are constantly re-established.\textsuperscript{120}

In a famous chapter in the first volume of the \textit{Critique}, Lefebvre devotes a great deal of attention to the role of festivals in the lives of the rural peasantry in France.\textsuperscript{121} He describes the way in which social bonds were strengthened by communal participation in feasts, music, dance, sport and masquerades. Simultaneously, such practices allowed community

\textsuperscript{115} Lefebvre H (1991) \textit{The production of space}, see note 1, at p383.
\textsuperscript{116} \textit{ibid.}, at p384.
\textsuperscript{117} \textit{ibid.}, at pp58-9, and Lefebvre H (1976) \textit{The survival of capitalism}, see note 40, at p56 and p84.
\textsuperscript{118} Lefebvre H (1991) \textit{The production of space}, see note 1, at p384.
\textsuperscript{119} \textit{ibid.}, at p54.
\textsuperscript{120} Lefebvre H (1984) \textit{Everyday life in the modern world}, see note 41, at p32.
members to give release to the desires built up during the long periods of everyday work and drudgery.

In celebrating, each member of the community went beyond himself (sic) … and in one fell swoop drew on all that was energetic, pleasurable and possible from nature, food, social life and his (sic) own body and mind.\textsuperscript{122}

This points to how the festival was a way for the community to embrace and bind with nature and welcome its gifts. Regular festivals were ways of celebrating the regular and cyclical rhythms of nature in which human life is intertwined. Equally important in this process was the role of sacrifice in festive practices. In one day of excess, the community would consume months of accumulated provisions. This 'orgy' might leave the community in danger of starvation at some later point, should natural disaster strike. But it is precisely this acknowledgment of the power of nature and the weakness of humanity that is at the heart of the festival. It represents a sacrifice to nature's powers. "Festival is a risk, a wager on the future. What is there to be won, and what to lose,\textsuperscript{123}" Festivals then both represent "joy, communion, participation in Dionysiac life, but also a cooperation with the natural order".\textsuperscript{124}

Despite the severe contrast between the festival and the privations of everyday life, Lefebvre does not see them as separated. Lefebvre uses his theory of moments to argue that the material and spiritual grounds for the festive lie within everyday life and spring forth as an intense and magnified form of particular moments.

\textsuperscript{121} Lefebvre H (1991) 'Notes written one Sunday in the French countryside', in \textit{Critique of everyday life vol I}, see note 1, at pp201-27.
\textsuperscript{122} \textit{ibid.}, at p202.
And the moment? It is an individual and freely celebrated festival, a tragic festival, and therefore a genuine festival. The aim is not to let festivals die out or disappear beneath all that is prosaic in the world. It is to unite Festival with everyday life.\footnote{Lefebvre H (2002) \textit{Critique of everyday life vol II}, see note 1, at p348.}

Thus the festival provides an exemplar of a possible unalienated future in which moments, already present within everyday life, provide opportunities for the rupture of the ordinary.\footnote{Lefebvre H (1991) \textit{Critique of everyday life vol I}, see note 1, at p207.}

Historically, the role of festivals within peasant communities as a Dionysiac celebration of life was undermined on the one hand by the rise of social stratification, abstract hierarchisation and private property, and by the rise of religion on the other. While such festivals continue into late modernity, by the middle of the twentieth century, their substance had been drained and overtaken by religious abstractions.\footnote{ibid., at pp208-9. The most powerful and moving section of the \textit{Critique} is a description of a visit to a country church in which he directs an angry polemic at the Catholic church for its role in passifying the community and for co-opting peasant myths and rituals into a malleable and abstracted doctrine (see pp214-25). Kelly identifies in this section "a detailed restaging of the unconscious ...". Kelly M (1997) ‘The historical emergence of everyday life’, see note 66, at p82.}

In the first volume of the \textit{Critique}, such peasant festivals suggested the transformative potential within everyday life, but by the mid-1950s Lefebvre's interest in the everyday had become inseparable from his interest in modernity.\footnote{Trebitsch M (1991) ‘Preface’ in \textit{Critique of everyday life vol I}, see note 25, at p.xxvi. In this regard it is instructive to read his essay 'Notes on the new town' in Lefebvre H (1995) \textit{Introduction to modernity}, see note 1, at pp116-26. Written in 1960 it describes the new town of Mourenx, (constructed near his childhood village of Navarrenx). This piece represents one of his first critiques of modernist urban planning and provides an analysis of the stifling banality of everyday life in a newly urbanised and socially planned region.}

Momentous social changes in the post-war period hastened the degeneration and disintegration of the rituals and celebrations of peasant life and Lefebvre's attention turned from rural sociology to an analysis of urban life. However despite modernity's destruction of the organic social basis for peasant festivals, such social practices do not lose their relevance for contemporary social theory. The festival suggests a connection between community members and between human bodies and the rhythms of nature. In satisfying these social and natural needs, Lefebvre perceives a model for the overcoming of alienation in transitory moments, suggesting a
revolutionary practice far broader than could be imagined within orthodox Marxism. This culminated in his prescription of an ongoing *festive revolution* in the tradition of the 1871 Paris Commune.\(^{129}\)

### 4. Conclusion

From the moment Lefebvre made the shift from rural to urban sociology, he was embarking on a journey to understand how capitalism had been able to survive and reproduce its social relations in a rejuvenated form during the post-war period. What started out as an inquiry into the impact of modernity on everyday life in rural communities, had shifted to an investigation of the specific importance of processes of urbanisation in shaping social life and political action. Inevitably, this led him to see the question of the reproduction of capitalist social relations in terms of the social production of space. The delineation of the possibilities of social transformation from within everyday life had to be considered in the light of the production of spatial relations. Several of the themes that have been explored in this chapter, including the fragmentary nature of social relations and the political role of the body, will reappear in the next chapter, where I will focus on Lefebvre's account of the *production of space*.

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\(^{129}\) Lefebvre H (1965) *La proclamation de la commune*, Gallimard, Paris. Despite its strategic vagueness, this notion of carnivalesque celebration played a crucial role in setting the scene for the revolt of May 1968. However, the publication of this book caused an irreparable rift with Guy Debord over the 'ownership' of the ideas contained in it, which Lefebvre acknowledged were loosely based on collective discussions within the Situationists group in Strasbourg. See also Ross K (1997) 'Lefebvre on the Situationists: an interview', see note 6; Plant S (1992) *The most radical gesture: the situationist international in a postmodern age*, Routledge, London.
Chapter Three

The production of space

To speak of 'producing space' sounds bizarre, so great is the sway still held by the idea that empty space is prior to whatever ends up filling it.¹

1. Introduction: the production of space

Lefebvre’s writings on space, spatial relations and urbanism appear in various places, but the most comprehensive statement of his approach to space and its implications for social analysis is to be found in his 1974 book The production of space.² The first thing to appreciate in reading this dense work is the multiplicity of dimensions that space holds for him. Space is not depicted merely as a geographical or physical location or a commodity, but as a political instrument, as part of the relations of production and property ownership and as a means of creative and aesthetic expression.³ One of the reasons for the complexity of this discussion is Lefebvre’s aim to unravel and critique commonly accepted conceptualisations of space that appear within a variety of disciplines and academic specialisations. Hence there are diverse references to philosophy, history, semiotics, psychoanalysis, architecture and planning alongside an attempt to incorporate key aspects of Marx’s thought into the analysis of space. The situation is further complicated by the loose, circuitous and episodic way in which the book is written, which undermines the reader’s desire for a systematic and orderly treatment of the arguments presented.

The breadth of his inquiry and the difficulties associated with reading the book have prompted a number of critically-inclined scholars to complain of Lefebvre’s writing

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³ Gottdiener M (1994) The social production of urban space, 2nd ed, University of Texas Press, Austin, at p123. See also Lefebvre H (1991) The production of space, see note 1, at p349.
style and to question the book’s value. Such complaints appear to be linked to an impatient demand for simplification and theoretical resolution. There are numerous passages of great beauty in *The production of space*, which do not deserve to be dismissed because they depend on rhetoric or refuse to be functionally subsumed within the protocols of traditional Marxist analysis. Andy Merrifield explains the disorderly structure of the book as stemming from an underlying attachment to a Nietzschean nihilism. While Merrifield possibly places too much weight on the influence of Nietzsche in this respect, it is easier to agree with him that Lefebvre's refusal to slot his argument into a systematic schema contributes to making *The production of space" perhaps the most cogent treatise to date of an anti-essentialist Marxism*. The breadth of its scope signals its importance for social theory beyond the confines of any single discipline.

2. **Space and philosophy**

One of the key arguments in *The production of space* is that a particular 'common-sense' philosophy has guided the understanding of space and spatial relations in various scientific disciplines since the Enlightenment. This philosophical approach is characterised by an ontology which treats space as an empty vessel existing prior to the matter which fills it. One of the intellectual precursors to this approach is Newton's *absolute* conception of space. This ontology is combined with an epistemology defined by the mathematical-topological classification of innumerable 'spaces'. Such a "philosophy of space revised and corrected by mathematics" conceives of space as a mental construction or a place for the classification of knowledge. Hence an empty and flat ontology is combined with an epistemology that subsumes the social analysis of spatial relations within the description of the mental construction of space. The influence of this philosophy of space extends beyond the obvious sites of its application in positivist geography and mathematical modelling. Lefebvre identifies a number of supposedly 'critical' approaches to social inquiry which have also adopted ways of

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6 *ibid.*, at p299.
speaking about space which rely on an implicit identification of mental space(s) with social and physical space. Culprits here include Michel Foucault, Julia Kristeva, Jacques Derrida, Roland Barthes and Jacques Lacan, all of whom conflate mental and social space through the use of spatial metaphors. Another example Lefebvre provides is the analogy drawn between "mental space and a blank sheet of paper upon which psychological and sociological determinants supposedly 'write' or inscribe their variations." The fetishising of space as a purely epistemological category and the collapsing of the social into the mental has forced social theory to oscillate between imposing a systematic logic on social analysis or more often, to accept "a chasm between the logical, mathematical, and epistemological realms … and practice".

Each of these perspectives is only able to achieve partial descriptions or cross-sections of space, inventories of what is perceived to exist in space, or create a "discourse on space." In particular Lefebvre singles out semiotics as a body of knowledge that attempts to apply codes to the analysis of space and as a consequence only succeeds in reducing it to "the status of a message, and the inhabiting of it to the status of a reading." These approaches tend to reinforce the perceived fragmentation of the mental, physical and social fields. The kind of understanding of space that Lefebvre is interested in achieving is aimed at reducing this separation and explaining the spatial relationships and connections between these three fields.

However, a reunion between them can only proceed by identifying and distinguishing the mental, physical and social aspects of space from each other. One of the effects of the absolute conception of space is that it is simultaneously understood as both physical - through the common sense acceptance of space as location or empty container - and a

8 ibid., at pp3-6.
9 ibid., at pp297-8. Writers who he associates with this understanding of space include Martin Heidegger, Gaston Bachelard, Maurice Merleau-Ponty and Jean Piaget.
10 ibid., at p300.
11 ibid., at p7.
12 ibid. Lefebvre identifies the tendency to focus on the readability of space as just one part of a logic of visualisation that tends to conceal the depth of social reality and marginalise other methods of analysis. For a use of Lefebvre's ideas in a critique of the semiotic reduction of space to a text, see Buchanan I (1994) 'Lefebvre and the space of everyday life', Southern Review, 27(2): 127-37.
13 Lefebvre H (1991) The production of space, see note 1, at p11.
mental category - through the predominance of an epistemology influenced by mathematical models. But this fragmentary approach is unable to provide a bridge between the physical and mental because it ignores the social dimensions of space and actively subsumes them within one of the other fields. Treated separately, each of these fields is never able to form the basis of an adequate analysis of even its own object of inquiry. Lefebvre's intention is to link the physical and the mental with the social character of space by understanding how space is produced through human agency. For this to happen, a philosophical alternative to Newtonian absolute space is required.

Lefebvre's starting-point lies in Leibniz's relative or relational conception of space. Contrary to the view of space as an empty receptacle for matter, Leibniz conceives of space as a set of relations determined by the objects and processes that constitute it. Such a view appears to be supported by modern mathematics and theoretical physics\textsuperscript{14} and is the basis of much of the recent work in critical human geography.\textsuperscript{15} As an example, David Harvey relies heavily on Leibniz to argue for both a relational theory of space and time and the importance of a theory of internal relations for dialectical thought more generally.\textsuperscript{16} In Lefebvre's work, the diverse aspects of space (mental, physical and social) are understood as internally related within an open totality. Lefebvre's first step in this direction in \textit{The production of space} is to establish a typology that can help explicate the complex inter-reaction of spatial relations. This takes the form of a conceptual triad aimed at a dialectical unity between the different levels of spatial relations. This is but one of numerous triadic formations that appear in his work\textsuperscript{17} and consists of the following elements:


\textsuperscript{17} Others include the trinity of form, function and structure and his emphasis on the realms of the perceived, conceived and lived. See: Shields R (1999) \textit{Lefebvre, love and struggle}, Blackwell, Oxford, at pp160-1.
i) **Spatial practices**: These constitute the physical practices, everyday routines, networks and pathways through which the totality of social life is reproduced. Spatial practice is a commonsense, practical engagement with the external world. Within a particular society, these practices retain a certain cohesion and continuity and facilitate communication and social exchange, but they remain relatively undetermined by the logic of scientific thought. They correspond to the realm of the perceived - in the sense that they arise out of the perception of empirical reality rather than as the product of a process of intellectual reflection. Lefebvre describes a paradigmatic example of 'modern' spatial practice in terms of:

… the daily life of a tenant in a government-subsidised high-rise housing project. Which should not be taken to mean that motorways or the politics of air transport can be left out of the picture.

ii) **Representations of space**: These are the forms of abstract knowledge (savoir) connected to formal and institutional apparatuses of power involved in the organisation of space. Obvious examples include the work of planners, bureaucrats, social engineers, cartographers and the variety of scientific disciplines holding socially recognised 'expertise' in the management of spatial form. Such practitioners tend to "identify what is lived and what is perceived with what is conceived". Hence representations of space are linked to the technocratic rationality of positivist science and embody the tendencies towards abstraction, mathematical modelling and the quantification of social phenomena that it implies. Lefebvre sees in this form of knowledge the dominant ideological approach to space in any society which brings with it a body of

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19 The link between spatial practice and perception is strengthened by Lefebvre's hypothesis of a logic of visualisation that underpins socio-spatial relations in contemporary capitalism. He also associates the realm of the perceived (and hence spatial practice) with form. Therefore the abstract prioritising of spatial practice constitutes a type of formalism. (*ibid.*, at p369)

20 *ibid.*, at p38. While this example is limited by being rooted in French urban planning practices of the 1960s and 70s, it provides a clear depiction of what Lefebvre understands by spatial practice. Its connections with his earlier notion of everyday life should be quite apparent.
intellectual codes and signs. Any approach to social theory which dwells on such representations to the exclusion of other components of social space will inevitably fall prey to the limitations of structuralism, or other forms of reductionism.

iii) **Representational spaces**: The final component of Lefebvre's triad is the one most closely associated with the social and bodily functions of lived experience. They form part of the social imaginary of "inhabitants and users" of space in which complex symbolisms are linked to non-hegemonic forms of artistic creativity and social resistance. Unlike the mundane interaction with the everyday in spatial practices and the abstract scientism of representations of space, representational spaces provide the means for engagement in struggles for alternative forms of spatial organisation and the transformation to a de-alienated existence. They are the sites of resistance and counter-discourses which have either escaped the purview of bureaucratic power or manifest a refusal to acknowledge its authority. Concrete examples lie in the popular restructuring of space by excluded urban communities in Latin America. Shanty towns (*barrios* and *favelas*) have developed forms of social ordering, architecture and planning which demonstrate the possibility of re-appropriating space and undermining institutionalised forms of spatial organisation.\(^{22}\)

The delineation of these three dialectically related dimensions of space is necessary to be able to emphasise their unity in any explanation of the use of space. It is a counter-move to the tendency to reduce the social and physical aspects of space to a dominant mental image that has arisen through the application of the absolute conception of space. Simultaneously, it is part of Lefebvre's long-standing critique of the fragmentation of the disciplines and the artificial analytic priority given to one dimension of space which inevitably leads to one of the dead-ends of formalism, functionalism or structuralism. "Each time one of these categories is used

\(^{21}\) *ibid.*

\(^{22}\) *ibid.*, at pp373-4. The social and legal practices of these communities have given rise to an extensive literature on informalism, legal pluralism and local community governance. For examples see Santos B (1992) 'Law, state and urban struggles in Recife, Brazil', *Social and Legal Studies*, 1: 235-55; Santos B (1977) 'The law of the oppressed: the construction and reproduction of legality in Pasargada', *Law and Society Review*, 12: 5-126.
independently of the others, hence reductively, it serves some homogenizing strategy.”23 An analysis of the use of space must be able to balance the diversity of these three elements of space.

Each of the components of this conceptual triad are operational at all times and they are the starting-point for Lefebvre's description of the multi-dimensionality of social space. As we would expect from his rejection of an absolutist version of space, Lefebvre is not content to see social space as a mere object or a receptacle. Instead he describes it as a social matrix that operates as a "presupposition, medium and product of the social relations of capitalism”.24 It is an ensemble of social relations and networks that make social action possible. It is part of the productive process, a mechanism of state regulation and the site of political struggle. For Lefebvre, *social space* is simultaneously:

i) **A means of production.** An example of this is the role of urbanised regions in the reproduction of the labour force.

ii) **A part of the forces of production,** which displaces the role of nature.

iii) **A product** consumed as a commodity and as a productive resource.

iv) **A political instrument** that facilitates the control of society.

v) The basis for the **reproduction** of production and property relations through land laws, hierarchical ordering and planning.

vi) **A set of ideological and symbolic superstructures** that emit a false sense of neutrality.

vii) The human potential for the **re-appropriation of a counter-space** through artistic expression and social resistance.25

The first three aspects of this definition recognise the multiplicity of roles that space performs in the productive process. This is perhaps the most crucial implication that Lefebvre derives from the Leibnizian assertion of the necessity for "space to be occupied" by the body.26 While the *absolute* conception of space encourages a


26 *ibid.*, at pp 169-71.
separation of formal space and material content, the relational approach suggests an immediate relationship between the whole body and its space. In theorising this occupation of space, Lefebvre is led to understand production in a sense much broader than a crude analogy with the manufacture of commodities. It encompasses the means by which the living body as a deployment of energies produces space and reproduces itself within the limits and laws of that space.

*Space and production*

The concept of production has a central role in the thought of both Hegel and Marx. For the former, the reproduction of the absolute Idea is guaranteed by the production of nature, humanity and the Mind. Marx inverted this movement, freed it from its idealist and divine origins and placed the productive process at the heart of a theory of humanity's transformative practice in the material world. He appropriated Hegel's notion of the *concrete universal* to explain production as a means of reconciling “the philosophical opposition between 'subject' and 'object', along with all the relationships constructed … on the basis of that opposition.”

Production is then the means for the *dialectical* transcendence of the dualism between the objective and the subjective; the concrete and the abstract. That which is produced constitutes a *concrete abstraction* - an embodiment of both concrete reality and the abstraction of intellectual activity.

Lefebvre is at pains to distinguish his own use of production from Hegel's characterisation of it as a logical abstraction, and also from a number of other interpretations that gain support from the work of Marx. Part of the richness of Marx's use of 'production' for Lefebvre lies in an ambiguity from which it is never able to escape. It is constituted by at least two senses: one broad and the other narrow. In its broad sense, it is a recognition that "nothing in history or in society does not have to be … produced". More narrowly, production is identified with *products* and acquires the meaning it has for positivist political economy in the ideology of *productivism*. This interpretation is directed towards a reduction of the concept of production to a particular

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27 *ibid.*, at p71.
29 Lefebvre H (1991) *The production of space*, see note 1, at p68.
moment in the industrial labour process. This excludes the incorporation of the imaginative creation of 'works' into the analysis. The attraction of this perspective for various forms of economism is obvious, whereas Lefebvre is sympathetically inclined to the broader interpretation. However he is careful to countenance against versions of "ultra-leftism" lurking in the indeterminacy of social theories which loosely apply 'production' to a multiplicity of mental constructions of the social world such as the "production of knowledge, or ideologies, … or dreams …".

Like the broad understanding of alienation he developed from his reading of the early Marx, Lefebvre sees production extending beyond the economic confines of the labour process. It encompasses products in a strict sense alongside created works (such as artistic forms and the built environment) and the social relations of production. Hence Lefebvre re-crafts and expands Marx's model of commodity production to explain how space is produced and contributes to the reproduction of the social relations of capitalism. This provides him with the tools to understand space in a way that is unique in social theory. Not only does he situate space as part of the means of production, but he identifies it as one of the forces of production and as a product of the productive process.

One of the advances made by Marxist and structuralist influences in geography and urban studies throughout the 1960s and 70s was their attack on the positivism and geographical determinism that defined urban ecology. Harvey's early work provided groundbreaking attempts to incorporate space into Marxist social theory by situating the built environment as part of the means of production. In a similar fashion, structuralist Marxists (such as the early Manuel Castells) tried to resolve the 'question of space' by linking it to a general theory of collective consumption. Urban space was seen as the collective means by which labour power is reproduced. Despite their differences, both these approaches move beyond the limitations of an absolute theory of

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31 Lefebvre H (1991) The production of space, see note 1, at p72.
space. They recognise that space itself is transformed by its involvement in the productive process and bears the imprint of the "territorial projection of social relations" which results. But unfortunately, neither of these writers is able to avoid conceptualising space within the problematic of a more 'essential' and causally determinative process - the production of things in space. Gottdiener sees both as relying on an economistic functionalism which subsumes spatial relations within an analysis of "the operation of economic laws in space".

Lefebvre recognises the role of space as part of the means of production: as a "network of exchanges and (a) flow of raw materials and energy". But, for him it is also necessary to understand it as one of the forces of production alongside labour and technology. It holds the same ontological status as capital and labour in the formula Marx used to define the capitalist mode of production. In critical realist terms, this makes space a causal power, which generates social contradictions through its interaction with the forces of labour and knowledge and technology. Those contradictions are then spatial by their very nature and cannot be reductively dismissed as a mere reflection of more basic economic struggle. Lefebvre sees this as a way to move from an analysis of products in space to the production of space itself.

This brings us to the third characteristic of social space in Lefebvre's formulation, framed in a somewhat tautologous manner - "(social) space is a (social) product". Space forms part of the forces and means of production, but is also a product.

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35 Gottdiener M (1994) *The social production of urban space*, see note 3, at p125.
36 Lefebvre (1979)'Space: social product and use value', see note 2, at p287.
38 Gottdiener is one of the only writers to have pursued this side of Lefebvre's analysis in any depth. For his depiction of space as a force of production, see Gottdiener M (1994) *The social production of urban space*, see note 3, at pp124-5, and more comprehensively in Gottdiener M (1987)'Space as a force of production: a contribution to the debate on realism, capitalism and space', *International Journal of Urban and Regional Research*, 11: 405-16 at pp410-2.
40 *ibid.*
consumed as a commodity and a raw material. However its causal role in the productive process makes it unlike any other commodity.

(Social) space is not a thing among other things; nor a product among other products: rather, it subsumes things produced, and encompasses their interrelationships … . Space is never produced in the sense that a kilogram of sugar or a yard of cloth is produced. … It would be more accurate to say that it is at once a precondition and a result of social superstructures.\textsuperscript{41}

Not only is there a space of consumption - space is itself also the object of consumption. This is most obviously observed in recreational spaces, such as beaches, national parks and resorts, where the physical environment itself is consumed.\textsuperscript{42} The commodified status of space is revealed through the way spaces of leisure are functionally and hierarchically arranged to serve the reproduction of the relations of production.\textsuperscript{43} Far from recreational spaces providing an escape from the production process,

\( \text{(t)he truth is that all this seemingly non-productive expense is planned with the greatest care: centralized, organized, hierarchized, symbolized and programmed to the } n \text{th degree … . (I)n the spatial practice of neocapitalism … representations of space facilitate the manipulation of representational spaces (sun, sea, festival, waste, expense).} \textsuperscript{44} \)

Hence space is directly connected to the productive process as means, force and product. In Lefebvre's words,

\begin{quote}
Space in its entirety enters the modernized capitalist mode of production, there to be used for the generation of surplus value. The earth, underground resources, the air and light above the ground - are all part of the forces of production and part of the products of those forces. The urban fabric, with its multiple networks of communication and exchange, is likewise part of the means of production. ... And
\end{quote}

\textsuperscript{41} \textit{ibid.}, at p73 and p85
\textsuperscript{42} Gotttdiener M (1994) \textit{The social production of urban space}, see note 3, at p125. Another obvious example is the productive consumption of space that occurs through the built environment in shopping malls, entertainment complexes, cafés and car parks.
\textsuperscript{43} Lefebvre H (1991) \textit{The production of space}, see note 1, at p384.
\textsuperscript{44} \textit{ibid.}, at p59.
the whole of space is the object of productive consumption, just like factory buildings and plant, machinery, raw materials and labour power itself.\textsuperscript{45}

But Lefebvre does not limit his definition of space to the various ways in which space is inscribed within the productive process. For him, the multi-dimensionality of space extends to two further categories, which will be crucial in the analysis to follow. The first is that space is both a political instrument and a means of social regulation and secondly, it is a site of political struggle. Each of these will be considered in the next section.

3. The state, politics and the production of space

The provision of relatively stable forms of territorial organisation for the circulation and accumulation of capital necessarily requires state planning, regulation and the administration of urban space. This facilitates the fulfilment of capital’s drive for (in Marx’s words) the “annihilation of space by time”.\textsuperscript{46} Drawing on Harvey’s vocabulary, Neil Brenner offers the argument that extended capital accumulation can only be secured through the “spatial fix”\textsuperscript{47} offered by the state construction of “fixed and immobile transport, communications and regulatory-institutional infra-structures”.\textsuperscript{48}

These intensive and extensive interventions of the state in economic and social life must be “conceived spatially as attempts to organise, instrumentalise and regulate social space”.\textsuperscript{49} They provide the means for the production of a space ordered to eliminate the spatial constraints to accumulation. A Lefebvorean account of the role of planning in the production of space must consider his portrayal of the contemporary capitalist state, which is depicted as a hierarchically organised institutional ensemble of socio-spatial forms, functions and structures. It is tendentially oriented toward the maintenance of this hierarchy through an integration of reproductive processes at the following scales: biological reproduction, the reproduction of the labour force, the reproduction of the

\textsuperscript{45}ibid., at p347.
\textsuperscript{46}Marx K (1973) Grundrisse: foundations of the critique of political economy (rough draft), Penguin, London, at p539.
\textsuperscript{47}Harvey (1982) The limits to capital, see note 32, at pp414-44.
means of production and the reproduction of the social relations of production and domination.\textsuperscript{50}

\textit{The state mode of production}

In this guise, the state can be understood as performing a crucial role in the regulation and management of social and economic relations. It attempts to bring order and normalising control to those relations through factors which are essential to their reproduction. That it fails to successfully operate as a monolithic bloc is partly due to the contradictions inherent in its homogenising imperatives and the fragmentation it imposes on social space. Therefore, the modern state's management of social reproduction must be understood spatially - as an instrumental use of space in the pursuit of social equilibrium. The state is not simply engaged in the administration of 'things' but is the proxy administrator of the whole of social space.

The state and its bureaucratic and political apparatuses intervene continually in space, and make use of space in its instrumental aspect in order to intervene at all levels and through every agency of the economic realm. Consequently, (global) social practice and political practice tend to join forces in spatial practice, so achieving a certain cohesiveness if not logical coherence.\textsuperscript{51}

As will be explained later in this chapter, this reinstatement of social order is, in reality, the reproduction of what Lefebvre calls \textit{abstract space}. The homogenising tendencies and fragmentary nature of abstract space can only be held together in a formal unity through the positive action of legal, administrative and political structures of power. The state therefore plays a crucial role in the reproduction of social relations.

Each state claims to produce a space wherein something is accomplished - a space, even, where something is brought to perfection. … (E)ach new form of state, each new form of political power, introduces its own particular way of partitioning space, its own particular administrative classification of discourses about space and about things and people in space.\textsuperscript{52}


\textsuperscript{52} Lefebvre H (1991) \textit{The production of space}, see note 1, at p281.
And even more forcefully Lefebvre asserts

(1) the state uses space in such a way that it ensures its control of places, its strict hierarchy, the homogeneity of the whole, and the segregation of the parts. It is thus an administratively controlled and even policed space.\textsuperscript{53}

The state's expanding interjections and its role in the territorialisation of capital have given rise to a new global formation - the state mode of production (SMP).\textsuperscript{54} The SMP is one of the central organisational-territorial structures of contemporary global capitalism\textsuperscript{55} and "provides a geographical scaffolding for the increasing mobility of labour power, commodities and capital"\textsuperscript{56} across spatial scales. In fact only the state is capable of administering and managing this 'event' on such a vast scale.\textsuperscript{57} But the state's interventions in space cannot be viewed as the imposition of neutral, aspatial forms of social control imposed on an inert spatial grid.\textsuperscript{58} It is itself

a socio-spatial configuration, a form of social architecture that is constantly engaged in the production of matrices of social space that extend its power and control over social relations in the midst of the anarchic, global space of the world economy.\textsuperscript{59}

Throughout the last century, the state has become increasingly reliant on the continuation of the twin processes of accumulation and urbanisation for its own reproduction. Characteristic of this new form of state power are state-oriented socio-spatial structures, that are interwoven at all the scales at which capital accumulation and urbanisation take place.\textsuperscript{60} Much of Lefebvre's later work is directed towards the

\textsuperscript{53} Lefebvre H (1979) 'Space: social product and use value' see note 2, at p288.
\textsuperscript{56} ibid., at p148.
\textsuperscript{57} Lefebvre H (1978) \textit{De l’Etat vol IV}, see note 50, at p298.
\textsuperscript{58} Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 34, at p180.
\textsuperscript{60} ibid., at p149.
investigation of this new kind of social formation in which the state has embarked on the management of all aspects of social life, dominating and perpetuating them. This is certainly not "something (already) accomplished, but a tendency towards a political form". Thus through its continuous engagement in processes of re-territorialisation, state power re-inscribes capitalist social relations upon everyday life.

The state attempts … to repair the abstraction and destruction of everyday social space that is induced through the accumulation process while simultaneously producing grids of social space that might permit crisis-free, uninterrupted continuation of the latter.

The assortment of ‘subsystems’ which pervade the social practice of everyday life - (such as education, finance, information, and justice) are held together in a motley unity by the state.

The only thing that guarantees a connection between the subsystems … or that guarantees their subordination to the ensemble, is the state and the intervention of state power. When state power makes an intervention in space, it does not do so in the name of a conception or knowledge of space. It simply uses, in space, its representations, instruments, "things". … There is no total system … uniting the partial systems or sub-systems. Their cohesion is, rather, the object of a strategy. … To apply mechanically the concept of ‘system’ makes for utter confusion. There is no such thing, for example, as an ‘urban system’ – on the contrary, the spread of urban tissue is accompanied by the fragmentation of the town.

In setting up such a predominant role for the state in the production of space, Lefebvre is careful to distinguish his approach from Hegel’s understanding of the state as the telos of world-historical evolutionary process. In Hegel’s account, historical time spawns a new form of space which is occupied and ruled by the state. Time is thus “solidified and fixed within the rationality immanent to space” while history “is transformed from action to memory, from production to contemplation.”

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63 Lefebvre H (1976) *The survival of capitalism*, see note 2, at pp27-8
the chief weakness of Hegel and of many of his Marxist critics is in their misplaced assumption that “space brought time to an end”, and that in turn, “the master of space was the state”.\textsuperscript{65} Invoked in this assumption is a “fetishisation of space in the service of the state”.\textsuperscript{66} This not only ignores the spatial dimensions of state power but conceives of the state as an empty, “rational unity”.\textsuperscript{67} Despite this, Hegel is also able to perceptively reveal “political tendenc(ies), inherent to the modern state, toward the territorial unification, abstraction, and homogenisation of social relations.”\textsuperscript{68} Under the state mode of production, these tendencies are crucial for the state’s strategic attempts to achieve a spatial fix for capital and some degree of control over its territorial space. However the state is not always successful in achieving its aims and the degree of ‘control’ it exercises through any particular strategy does not remain constant over time. New crises require new strategies.

The state … can neither do everything, not know everything nor manage everything – indeed its maximum effectiveness consists in the destruction of whatever escapes its control: Hegel’s absolute state, cannot produce itself in this space as it is bound to destroy itself before it can bring the task to completion.\textsuperscript{69}

At this stage, it is legitimate to ask what relevance Lefebvre’s account of the state has for the current era, in which it is widely asserted that the globalisation of neoliberal forms of governance has been responsible for the ‘withering away’ of the interventionist social democratic state.

\textit{The state mode of production and neoliberalism}

For Lefebvre, the most important characteristic of the state throughout the twentieth century was the way in which it adopted an increasingly overt role in the promotion, management and control of economic and industrial growth.\textsuperscript{70} Brenner translates this

\begin{itemize}
  \item \textsuperscript{65} \textit{ibid.}, at p279.
  \item \textsuperscript{66} \textit{ibid.}, at p21.
  \item \textsuperscript{67} \textit{ibid.}, at p281.
  \item \textsuperscript{68} Brenner N (1997a) ‘Global, fragmented, hierarchical: Henri Lefebvre’s geographies of globalization’, see note 24, at p149.
  \item \textsuperscript{69} Lefebvre H (1991) \textit{The production of space}, see note 1, at p379
\end{itemize}
characteristic through the term state productivism.\textsuperscript{71} In his four-volume work on the state, Lefebvre applied his analysis equally to the institutions and dynamics of neo-capitalist states (north America and western Europe), colonial states (Latin America and Africa) and the “Stalinist state apparatuses of eastern Europe”.\textsuperscript{72} However he was most immediately concerned with developing a political critique of the social democratic configuration of the state mode of production in western Europe during the 1960s and 70s. As he saw it, the rise and expansion of the social democratic state was a particular historical formation of the state mode of production which combined a modest redistributive orientation with an “aggressive state productivism”.\textsuperscript{73} Under social democracy, the state developed hitherto unsurpassed powers to funnel investment into the built environment and utilised its sovereign power to “plan and regulate the social uses of such investments”.\textsuperscript{74} For Lefebvre, the contribution of state productivism to the creation of an abstracted capitalist spatiality has been crucial.

Since the mid-1970s, radical changes have occurred to the social democratic state formation and these bring into question the utility of a state theory whose exposition depends on it so significantly. Unfortunately, Lefebvre does not provide a systematic analysis of the neoliberal state formation which has become institutionalised on a global scale over the last two decades. This is an obvious limitation but, in similar terms to Brenner, I will assert the continuing relevance of Lefebvre’s concept of the state mode of production for an understanding of the contemporary Australian state and its role in the production of space. In Brenner’s account, the restructuring of the state form which has occurred since the 1970s, can be plausibly seen as a systematic assault upon the state’s redistributive functions, coupled with a marked intensification of the productivist, commodifying aspects of the SMP – its role in promoting, financing, subsidising and regulating capitalist growth.\textsuperscript{75}

\textsuperscript{72} ibid.
\textsuperscript{73} ibid., at p792.
\textsuperscript{74} ibid., at p793. Lefebvre argued that increasingly, entrenched state productivism conflicts with meaningful forms of democratic accountability. Here Lefebvre is on common ground with Nicos Poulantzas who understood this evolving state form as premised on “authoritarian statism”. See Poulantzas N (1978) \textit{State, power, socialism}, Verso, London.
\textsuperscript{75} ibid., at p799.
In this sense, the neoliberal state can be understood as an “historically new form of the SMP” in which the state’s “commodification of its territory … has gained unprecedented supremacy over other regulatory operations within the state’s institutional architecture”.\(^{76}\) Hence Lefebvre’s theory of the state mode of production remains a powerful tool in comprehending the productivist dynamics of the neoliberal state.

**Social struggles and the politics of space: domination vs appropriation**

The political dimensions of social space do not rest with its management and use as a political tool by the state. Space is itself a site of political conflict and transforms the class struggle from the narrow concerns of economism into a form of conflict which is spatial as well as political and economic. Amidst the social fragmentation of *abstract space*, capital and the state attempt vainly to control the "explosion of … contradictory space they have produced".\(^{77}\) The conflictual social relations which accompany this "explosion of spaces" cannot be reduced to a reflection of economic concerns (as in Harvey's political economy) or be seen as a form of displaced class struggle (such as the structuralist analysis of Castells).\(^{78}\) Class relations are not mechanically "projected onto space"; rather spatial conflicts are driven by the dynamic of a spatial dialectic that cuts across rigid or orthodox class distinctions. Struggles over the organisation and control of space introduce the need for a form of radical pluralism that recognises the diversity of challenges to the abstract space of capitalism. Seizing upon the burgeoning growth of social movement politics since the late 1960s, Lefebvre suggests the necessity for working class organisations to build alliances with consumer groups, environmentalists and neighbourhood activists to assert counter-hegemonic uses of space. This analysis seems prescient today in the wake of the recent global proliferation of anti-capitalist movements since Seattle\(^{79}\) and the radical urban politics of global movements such as *Reclaim the Streets*. It suggests an emancipatory political practice must be based on the assertion of the right of communities to self-manage their space (the right to the city)

\(^{76}\) *ibid.*

\(^{77}\) Lefebvre (1979) 'Space: social product and use value', see note 2, at p290.

\(^{78}\) Gottdiener M (1994) *The social production of urban space*, see note 3, at p126.

\(^{79}\) Examples include anti-corporate globalisation demonstrations such as those in Seattle (November 1999), S11 in Melbourne (September 2000), S26 in Prague (September 2000), Genoa (July 2001) and more formalised events such as the World Social Forum in Porto Alegre, Brazil since 2001.
and the self-expression of a plurality of social tendencies and cultures (the right to difference).\(^80\) Space is therefore a potentiality for the reassertion of use values and creativity over exchange and domination. Crucially, the *reappropriation* of space provides the means for the restoration of *lived time* outside the sphere of work.

Space remains a model, a perpetual prototype of use value resisting the generalizations of exchange and exchange value in a capitalist economy under the authority of a homogenizing state.\(^81\)

The emphasis that Lefebvre places on struggles oriented around the use and management of space raises the need to explain a key distinction that Marx failed to draw sufficiently clearly - but of which Lefebvre makes extensive use in *The production of space*. This is the distinction between the *domination* (destruction) and *appropriation* (use) of nature.\(^82\) The transformation of nature by technology in the development of urban infrastructure and in the service of capital accumulation has created a form of space labelled by Lefebvre as *dominated*. Dominated space is "transformed - and mediated - by technology" and is constructed according to the plans of technicians. Increasingly, "the domination of space is becoming, as it were, completely dominant" as political and administrative power and private capital make use of new forms of technology in the construction of large-scale infrastructure projects.\(^83\)

In order to dominate space, technology introduces a new form into a pre-existing space - generally a rectilinear or rectangular form …. A motorway brutalizes the countryside and the land, slicing through space like a great knife. Dominated space is usually closed, sterilized, emptied out.\(^84\)

The concept of dominated space can be elucidated by its comparison with *appropriated* space - a kind of space that escapes the functional designs of state power. In this sense, appropriated space resembles a creative work (the *oeuvre*) - a work of art rather than a

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\(^{80}\) I will return to this political dimension of Lefebvre’s work towards the end of this chapter, at pp110-16.

\(^{81}\) Lefebvre (1979) 'Space: social product and use value', see note 2, at p291.

\(^{82}\) Lefebvre (1991) *The production of space*, see note 1, at p343.

\(^{83}\) *ibid.*, at pp164-5.

\(^{84}\) *ibid.*, at p165.
construction. The appropriation of space can only be explained by reference to the rhythms of time and flows of energy in which life is entwined. This is ignored by Marx who conflates domination and appropriation in his positive embrace of the domination of material nature through labour and technology as a transformation "according to the needs of (social) man". For Lefebvre it is necessary to recognise the tendency "towards non-appropriation – i.e. towards destruction" of nature and social life that is inherent in dominated space. This destruction of the natural world and its utilisation as an endless reserve of resources and energies is the result of the combination of brutal forms of technology with an economic program that reduces space to a set of interchangeable criteria to be used for valuation. While neither dominated nor appropriated space ever completely disappears, the history of capital accumulation has seen their segmentation and mutual opposition. Lefebvre argues that under current conditions, appropriated space is firmly subjugated to the violence, destruction and domination of abstract space. A halt to these reductive, abstract and destructive spatial relations can only occur through the production of a space which is oriented towards appropriation, the imaginary and the utopian, in which living labour takes hold of dead labour. Accordingly,

the work may shine through the product, use value may gain the upper hand over exchange value: appropriation, turning the world on its head, may … achieve dominion over domination ….

The kind of mass reappropriation of space by its users envisaged here has, at its heart, the restoration of the connection between space and time, and the body and its lived rhythms. Before it is possible to produce things, bodies must first produce a space. The tendency towards abstraction in contemporary dominated space and the repetitive gestures of everyday life find themselves in direct contradiction with lived time and a space produced by the body's rhythms. This abstract and commodified space may provide the "envelope" of time, but lived time resists its reductive power.

85 ibid.
86 ibid., at p343.
87 ibid., at p166.
88 ibid., at p348
Within and through space, a certain social time is produced and reproduced; but real social time is forever re-emerging complete with its own characteristics and determinants: repetitions, rhythms, cycles, activities.\(^9^9\)

The dissociation between space and time is an obvious corollary of the split we have already noted between representations of space and spaces of representation.\(^9^0\) To theorise a reappropriated space in Lefebvrian terms entails a form of *rhythmanalysis* which restores the analytical place of the "total body".\(^9^1\) Likewise this marks a return to the theme of bodily rhythms and political struggle encountered in the sections on communal festivals in the *Critique of everyday life*. For Lefebvre any political strategy that attempts to produce a space (the urban festival) must concern itself with this restoration of the body.

Any revolutionary 'project' today, whether utopian or realistic, must, if it is to avoid hopeless banality, make the reappropriation of the body, in association with the reappropriation of space, into a non-negotiable part of its agenda.\(^9^2\)

4. The logic of visualisation

Despite the penetration of spatial production into all aspects of social life and the now truly global dimensions of this process, the ways in which space is produced and simultaneously facilitates production have not been adequately recognised within the social sciences. As noted previously, one of the effects of a Newtonian view of space has been a form of empiricism that keeps the analysis of space at the level of the immediately perceivable. However, Lefebvre takes this critique a step further and argues that the production of space is concealed and obscured by a double illusion that pervades contemporary life. Both sides of this illusion work together and reinforce each other. This dual deception is constituted by the *illusion of transparency* and the *illusion of opacity* (or realistic illusion). In the former view, space appears as "luminous", readily understood and imposes no constraints on action. Transparent space is presumed innocent and reality becomes immediately decipherable through

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\(^{9^9}\) *ibid.*, at p339.

\(^{9^0}\) *ibid.*, at pp170-1 and p175.

\(^{9^1}\) *ibid.*, at p405. On *rhythmanalysis* see *ibid.*, at pp204-7, pp212-8 and pp404-8; Lefebvre H (1996) 'Elements of rhythmanalysis' in *Writings on cities*, see note 2, at pp219-40.

\(^{9^2}\) Lefebvre H (1991) *The production of space*, see note 1, at pp166-7.
communication without the need for critical analysis. This illusion places an identity between social space and mental space which conflates social practice with language.  

The illusion of opacity imparts a natural simplicity, substantiality and solidity to physical space. This has affinities with a common-sense view of space as having a more 'real' existence than the subject and his/her understanding. It has often been rejected by western philosophy in its attempts to understand space through the lens of mental and mathematical models. Interestingly, Lefebvre notes the way in which this illusion has been relied upon in linguistics and semiotics to suggest a "substantial reality" to language. Not surprisingly there is an association between the realistic illusion and naturalism or more mechanical forms of materialism, and a connection between the illusion of transparency and philosophical idealism. However as the above example displays, the two do not enter into conflict with each other, but work in collusion to avoid a critical analysis of space. The oscillation between the two illusions in any theoretical treatment is just as important as either one considered in isolation.

Natural symbols may be used to obscure the rational lucidity which the West has inherited from its history and its successful domination of nature. The apparent translucency taken on by obscure historical and political forces in decline (the state, nationalism) can enlist images having their source in the earth or in nature, in paternity or in maternity. The rational is thus naturalized, while nature cloaks itself in nostalgias which supplant rationality.

The fact that such visual illusions operate so successfully to obscure the complexity of socio-spatial relations is due to the pervasiveness of an overarching logic of visualisation in our understanding of the social world. For Lefebvre, "wherever there is illusion, the optical and visual world plays an integral and integrative, active and passive, part in it". Vision is a medium which promises to reveal all, but by their very nature, "images fragment; they are themselves fragments of space". The modernist

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93 ibid., at pp27-8.
94 ibid., at p30.
95 ibid.
96 ibid., at p97
97 ibid. 
trinity of readability - visibility – intelligibility, work interdependently to conceal the depth-reality of a space reduced to an amalgam of codes.  

Hence the logic of visualisation takes the transparent readability of a depthless, apolitical space as truth - and evades the critical analysis of relationships embodied in space.

Lefebvre relies on Nietzsche in using the concepts of metaphor and metonymy to describe the operation of this visualised logic. On one hand, the constant metonymic identification between part and whole enables us to understand our place in relation to the social totality - such as in the recognition by the occupant of their living space forming part of more general network. Likewise, through the eyes, the body is bombarded with the information of metaphorical messages and signs, which are met with a contrary flow "constituted by the evacuation from the innermost body of all life and desire". In this way, motor vehicles and household appliances may become extensions of the body. "Were it not for the eyes and the dominant form of space, words and dispersed fragments of discourse would be quite incapable of ensuring this 'transfer' of bodies." Thus the logic of visualisation reductively flattens the volume of space onto a surface and actively assists its mutilation and fragmentation. Moreover, the precedence that the visual has historically gained, has effectively obliterated the role of other faculties. Lefebvre suggests things may have evolved to the point "that the senses of smell, taste, and touch have been almost completely annexed and absorbed by sight".

The dominance that this visual logic wields over other means of interpreting the world is manifest in a wide range of disciplines. The most obvious examples lie in the fields of cartography and geography where the visual plays a defining role in the social practice of the mainstream discipline. In urban and regional planning, the 'bird's-eye' view of the city has reigned supreme since aerial photography became possible.

98 ibid., at p144
99 ibid., at p98
100 ibid., at p99
101 ibid., at p313.
102 ibid., at p139. For a discussion of the progressive elimination of the non-visual senses (particularly smell, taste and hearing) see ibid., at pp197-200.
Architectural practice consists largely of the animation of the environment through an embellishment of signs and codes, which render it readable or place it coherently within the social whole. This has been responsible for the ‘high modernist’ architectural quest for weightlessness which transparently appears to hold nothing more than what appears. For Lefebvre, these practices contribute to a repressive public space which conceals its repression while enhancing the surveillance of the private. Law and the administrative structures are particularly implicated in the deceptions that arise from the logic of visualisation. Like the institutions of justice and the police, the bureaucracy is supposed to be, aspires to be, … and perhaps even believes itself to be 'readable' and transparent, whereas in fact it is the very epitome of opacity, indecipherability and 'unreadability'. The same goes for all other state and political aparatuses.¹⁰⁴

The importance of the visual in Lefebvre's critique of abstract space cannot be simply reduced to a reiteration of the Society of the spectacle thesis propounded by Guy Debord and the Situationists, although their thematic approaches have much in common.¹⁰⁵ Lefebvre's logic of visualisation subsumes "spectacularization" and extends to the whole body's colonisation by sight. The dominance of vision serves to conceal the repetitiveness of everyday life. People look and take sight, take seeing, for life itself. We build on the basis of papers and plans. We buy on the basis of images. Sight and seeing, which in the Western tradition once epitomized intelligibility, have turned into a trap: the means whereby, in social space, diversity may be simulated and a travesty of enlightenment and intelligibility ensconced under the sign of transparency.¹⁰⁶

¹⁰⁴ Lefebvre (1991) The production of space, see note 1, at p149.
¹⁰⁵ Shields R (1999) Lefebvre, love and struggle, see note 17, at p103.
¹⁰⁶ Lefebvre H (1991) The production of space, see note 1, at p75. For an argument that a critique of the visual has played a key role in defining French critical social theory throughout the twentieth century, see Jay M (1999) Downcast eyes: the denigration of vision in twentieth century French thought, University of California, Berkeley.
5. The historical emergence of space

*If space is produced, if there is a productive process, then we are dealing with history.*

So far, our discussion of the production of space fits Lefebvre in with the trend for recent social theory to emphasise the importance of space in explanatory models. As was mentioned in chapter one, it is clear that his writing has contributed to the disenchantment with the historicism of orthodox Marxism that preoccupies much of contemporary critical theory. But it is also clear that Lefebvre had no desire to reject historical materialism as a whole, but saw the incorporation of spatial concerns as integral to any renewal of Marxist thought for contemporary conditions. He threads his theory of social spatialisation through a reworking of Marx's chronology of historical stages of social development as a history of modes of production of space. Lefebvre notes Marx's procedural move to depict history by working back from the fruits of production to productive activity itself. His twist on this is to argue that "any activity developed over (historical) time engenders (produces) a space, and can only attain practical 'reality' or concrete existence within that space". To present a portrait of the historical evolution of space is therefore to explain the spatial prerequisites for the genesis of modern capitalism.

If such a history merely constituted a chronological description of landscapes of different content: firstly rural, then industrial, and then urban, it would omit the complex transitions between forms of space. Likewise, to present the history of space as a series of inventories of things at particular times would ignore the relational links between representations of space, spaces of representation and the spatial practice which dominate at certain moments. Accordingly, the point of departure for his history of space is not a geographical description of humanised natural space, but "the spatio-temporal rhythms of nature as transformed by a social practice". This provides a means of distinguishing the features of abstract space under contemporary capitalism from the space of previous social formations. It should be noted that this is

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108 *ibid.*, at p343.
109 *ibid.*, at p115.
110 *ibid.*, at pp115-6.
the most unconvincing aspect of Lefebvre’s thesis, and it suffers from the problems of all such typological generalisations. In particular, it tends to reduce whole historical periods to a single motif and to reinforce a Eurocentric cultural imperialism that has afflicted much Marxist critical theory. At times it seems to be a simplified way of realigning his thought with the stage-ism of orthodox historical materialism. However, we need not read this story as a strict chronology of epochs or fixed social formations. Lefebvre is certainly prepared to acknowledge the way in which different spatial formations may mutually coexist, without succeeding ones completely erasing prior spaces. In this section I will briefly chart the historical movement from absolute space to abstract space, and suggest the possibilities for a future transformation to a differential space.

**Absolute space**

At the centre of Lefebvre's narrative is the way in which an organic form of social space (*absolute space*) has evolved over a number of forms of social organisation into a space where representations of space have tended to displace and dominate lived experience (*abstract space*). It is in absolute space that human life is most closely bound up with a ‘first nature’, its rhythms and its forces. This space is most typically observed in fragments of agro-pastoral space inhabited by nomadic or semi-nomadic peoples.¹¹² Upon a 'first nature' is laid the marks of human social activity through the construction of housing, the creation of pathways, the gathering of food and sites for the enactment of rituals and worship. Rites and ceremonial practices associated with aging, sex and fertility serve to link human life with natural forces and even now it is partly through such activities that absolute space continues to subsist within a qualitatively different spatial context. While absolute space might provide for a relatively organic relationship between humans and the natural environment - it would be wrong to conceive of it as 'innocent' - free from the intervention of political and religious power. Absolute space condenses diverse social forces and unifies the living members of a community, but also bonds them to the dead. It "is thus also and above all the space of death, the space

¹¹¹ *ibid.*, at p117.
¹¹² *ibid.*, at p234. The simple association made here between nomadic tribal societies and a 'first nature' or pure space attributes a simplicity and primitiveness to such social groups that probably reveals more about the biases of Lefebvre's Eurocentric cultural anthropology than about any actual historical social formation.
of death's absolute power over the living".\textsuperscript{113} In fact almost as soon as fragments of nature are consecrated as sites of magical and religious power, they are prey to the forces of political control. Through acts of conquest or the imposition of a new ruling elite, parts of absolute space become invested with sacred or divine properties and lay the basis for the transition to sacred space. This space is transcendent and magical, but is paradoxically still seen as part of nature, despite the political dimensions of its divine status.\textsuperscript{114}

**Sacred space**

The transformation of absolute to sacred space takes place most obviously in the establishment of the first city-states, a description approximating it to Marx's Asiatic mode of production. With sacred space, central power is conferred on certain occupied sites and it marks the beginning of the spatial distinction between the social and natural worlds. It also is the point at which the dichotomy between centre and periphery first gains its hold on social space. The increasing dominance of the town over the periphery manifests itself in the city state's ability to gain the attention of its surroundings. Through an imposed process of identification and imitation, "the vastness of pre-existing space appears to come under the thrall of a divine order". In more recent historical periods, the dialectical and strategic nature of the relation between centre and periphery is made more clear through the totalising aspirations of the centre which are observable in the way the political centre "organises what is around it, arranging and hierarchising the peripheries".\textsuperscript{115}

But through this process, absolute space is not destroyed - it lingers in those fragments of first nature that survive. It provides a basis and a resource for imaginary representational spaces in the symbols of religious, magical and political power.\textsuperscript{116} Displaced to the “interior”, absolute space is still found in Bachelardian nooks and crannies, and sites shielded from the domination of particular forms of spatial power.\textsuperscript{117} Some examples include the domestic home and hidden pathways. It is the "obsessive"

\textsuperscript{113} ibid., at p235.
\textsuperscript{114} ibid., at p234.
\textsuperscript{115} Lefebvre H (1976) *The survival of capitalism*, see note 2, at p17.
\textsuperscript{116} Lefebvre H (1991) *The production of space*, see note 1, at p48.
\textsuperscript{117} Bachelard G (1969) *The poetics of space*, Beacon Press, Boston.
and emotional treatment of these remnants of absolute space in the ontologies of Bachelard and Heidegger that Lefebvre argues keeps their histories of space at the level of description. He asserts that this displacement contributes to a separation between the public and private realms and it opens up a relative freedom for the private by the destruction of the unifying character of absolute space. Absolute space as a "product of the bonds of consanguinity, soil and language", gives way to a "relativized and historical" space.

Historical space

This finds its expression in the political space of the Roman city empire and lasts until well into the middle ages. It put an end to the closed nature of the Greek civil order, which was expressed through a unity of form, function and structure. Under the spatial order of the Roman city, secularism, patriarchy and the emergence of the juridical form signal the emergence of the reign of abstraction. Historical space supplants the vestiges of absolute space and is characterised by the exercise of power, created by "actions (with material violence generating a place, a legal order, a legislation)."

Law becomes a form of spatial organisation and

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119 Lefebvre H (1991) *The production of space*, see note 1, at p48. (Italics in original.)

120 *ibid.*., at p239.

121 For an elaboration see *ibid.*, at p243:

Paternity's imposition of its juridical law (the Law) on maternity promoted abstraction to the rank of a law of thought. Abstraction was introduced - and presupposed - by the Father's dominion over the soil, over possessions, over children, over servants and slaves, and over women. Assigned to the feminine sphere were immediate experience, the reproduction of life (which was to begin with, inextricably bound up with agricultural production), pleasure and pain, the earth and the abyss below. Patriarchal power was inevitably accompanied by the imposition of a law of signs upon nature through writing, through inscriptions, through stone. The shift from a maternal principle (which would retain its importance in the sphere of kinship relations) to the rule of paternity implied the establishment of a specific mental and social space; with the rise of private ownership of the land came the need to divide it up in accordance with abstract principles that would govern both property lines and the status of property-holders.

122 *ibid.*, at p245.
(i)n the case of Rome, organisation, thought and the production of space went
together, indeed almost hand in hand. And they did so not under the sign of the
Logos but under the sign of the Law.  

Historical space introduces characteristics which continue to manifest themselves under
the social conditions of contemporary capitalism. These include: "the dissociation of
component elements, and a consequent practical diversification" along with the
"subordination to the unifying, but abstract principle of property". The incorporation
into space of the juridical relation of private property becomes possible through the
development of incipient capital accumulation in the middle ages. The "luminous
space" of mediaeval Europe paved the way for the perspectival onslaught of the
Renaissance, in converting the remnants of the sacred to the secular. As will be
described shortly, through its reliance on the trinity of geometry, the visual and the
phallic, perspectivism became the dominant strategy of a new space driven by
abstractions. An abstracted relation of great importance to the discussion here was
generated through the mediation of urbanisation in the transition between medieval (or
feudal) space and capitalist accumulation. As the town overtook the countryside and
sharpened its domination and exploitation of it, urban space became a giant abstraction,
"a tool of terrifying power" or "abstraction in action". It is to this abstract space
which emerged from the cradle of historical space to which I now turn.

Abstract space
Since the advent of capitalism, there has been an overwhelmingly ascendant tendency
towards abstraction in space, which has displaced the more organic relations existing
within absolute space. Lefebvre is careful to explain the emergence of abstract space
in terms which recognise the persistence and sedimentation of previous spatial forms,
while simultaneously charting the seemingly insatiable logic of destruction and violence
that accompanies this transition. Abstract space is the fragmentary but pulverised

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123 ibid., at p246.
124 ibid., at p252.
125 ibid., at p261.
126 ibid., at pp268-9.
127 Lefebvre emphasises this continued presence of prior forms of space as a "substratum … of
space created by the imperatives of a capitalist economy and the state’s involvement in the management and domination of space. It provides a nurturing environment and serves as a primer for the survival and reproduction of capitalist social relations. Lefebvre outlines three characteristic tendencies that simultaneously attach to abstract space. These are orientations towards fragmentation, homogeneity, and hierarchy.\textsuperscript{128}

\textit{Fragmentation} is perhaps the most obvious characteristic of the spatial organisation of the contemporary world. It is manifested in the breaking down of space into discrete units which can be privatised and traded as commodities. Abstract space generates the \textit{mythology} of the private lot,\textsuperscript{129} which presumes space to be a passive vessel waiting to be filled by innumerable social functions. This is enhanced by the fragmentation of the "sciences" into domains which contribute to the carving up of space. Each adopts its own segmented disciplinary portion of the things in space which are ripe for analysis.\textsuperscript{130} Just as the fetishism of commodities arises from treating "things' in isolation", so too the intellectual fragmentation of space introduces a fetishism of space.\textsuperscript{131}

Co-existing with the fragmentation of abstract space is a seemingly contradictory tendency towards \textit{homogenisation}. This may seem a peculiar assertion, if one takes at face value the obvious diversity of consumable products and styles: the diversity of things in space. However, as Lefebvre makes clear, "(ab)stract space is not homogeneous; it simply has homogeneity as its goal, its orientation, its 'lens'."\textsuperscript{132} Abstraction may break up space into fragments, but it also facilitates the imposition of a


\textsuperscript{129} Shields R (1999) \textit{Lefebvre, love and struggle}, see note 17 at p177

\textsuperscript{130} See Lefebvre H (1991) \textit{The production of space}, see note 1, at pp89-90.

Specializations … (such as architecture, economics, geography and law) … divide space among them and act upon its truncated parts, setting up mental barriers and practico-social frontiers. … The \textit{ideologically} dominant tendency divides space up into parts and parcels in accordance with the social division of labour.

\textsuperscript{131} \textit{ibid.}, at p90

\textsuperscript{132} \textit{ibid.}, at p287
logic of exchangeability on places and times.\textsuperscript{133} The introduction of the criteria of pure exchange value to space is an homogenising force which has the power to flatten-out spatial diversity on a global scale. Opposition to this attribute of abstract space can be seen in a wide range of global movements from the aesthetic denunciation of monoculturalism (in, for example architecture and multinational fast food), to the defence of indigenous uses of space for traditional practices and food production.

At the local level, abstract space appears a fractured space, broken down into particular sectors or subsystems which are analysed separately in terms of: the transportation system, the urban network, various levels of education, the labour and financial markets and the legal system. However these sectors are also treated as forming part of an implicitly coherent and unified entity. This imposed homogeneity is reinforced and promoted by what Lefebvre describes as three "formants":

i) A geometric reliance on Euclidean 'absolute' space to measure all other forms of space and to which they are reduced;\textsuperscript{134}

ii) The optical formant (to which we have previously drawn attention as the logic of visualisation) now dominates "the entirety of social practice". The ascendancy of the visual develops through the metaphoric dependence on the written and the metonymic transformation of the part into a totality. Social life becomes an endless interpretation of codes and messages which undermines the clarity and devalues the role of impressions derived from taste, smell, touch and even hearing. … Any non-optical impression - a tactile one, for example, or a muscular (rhythmic) one - is no longer anything more than a symbolic form of, or a transitional step towards, the visual.\textsuperscript{135}

iii) The phallic formant, through which inhabitants of abstract space are able to avoid the implications of space as an empty receptacle filled with "transitional objects". Particularly in the modern city, phallic verticality imposes a "truly full

\textsuperscript{133} Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 34, at p177.

\textsuperscript{134} Lefebvre H (1991) \textit{The production of space}, see note 1, at p285.

\textsuperscript{135} \textit{ibid.}, at p286.
object - an objectal 'absolute' on the users of space. The metaphor of physical force and masculine aggression certainly does not remain within the realm of the abstract imaginary, but is expressed whenever order requires reassertion. Despite the "polyscopic and plural" nature of abstract space, it homogenises, "subsumes and unites scattered fragments … by force".

The coalescence and forced homogenisation of fragmented spaces reveals the third tendency of abstract space: towards a hierarchical ordering of space at the behest of economic, technological, administrative and political power. The position of a particular space within the hierarchy is determined by its position in the conflictive relationship between centres and peripheries (of power, wealth, resources and information). This hierarchy between centre and periphery is not a random result of a dialectical, evolutionary process. Rather, it is the product of a strategic logic in which the centre organises that which is "around it, arranging and hierarchising the peripheries". It is here that we can begin to observe the importance of state power in the construction of an abstracted spatial form. The state actively intervenes in the production of space and treats space as a political instrument with which to introduce social order. Through its roles as the provider of infrastructure and the manager of resources alongside its subsidisation policies and (importantly) spatial planning regimes, the state is largely responsible for the template on which abstract space is built. Zoning regulations inscribe a legal order on space which make it possible to hierarchically organise otherwise equivalent private plots. This imposes handicaps on some regions and provides relief to others. Zoning schemes are also vehicles for the enforcement of dominant moral norms and codes of propriety.

A classic example of this form of state-led, authoritarian spatial practice is the strategic construction of the boulevardes in nineteenth century Paris by Baron von

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136 ibid., at pp286-7. "(P)hallic brutality does not remain abstract, for it is the brutality of political power, of the means of constraint: police, army, bureaucracy." at p287.

137 ibid., at p308.


139 Lefebvre H (1976) The survival of capitalism, see note 2, at p17.
Haussmann,\textsuperscript{140} though Lefebvre identifies numerous parallels in the excesses of twentieth century modernist codes for architecture and city planning.\textsuperscript{141} Despite the different social origins of the grid patterning of cities in the colonial New World, in virtually all cases a new form of social space was produced "by political power - that is, by violence in the service of economic goals". In both the Spanish-American colonial town and in New York "the pre-existing space was destroyed from top to bottom. The aim in both cases was homogeneity and in both cases that aim was achieved".\textsuperscript{142}

\textit{Abstraction realised I: art, architecture and the logic of visualisation}

In Lefebvre's thesis, the construction of abstract space is facilitated by the state, which utilises both a range of "scientific" techniques, and forms of management based on enforced segregation. Recognising the role of the "spatial sciences" (architecture, geography and planning) in the production of space does not appear in the first instance to introduce great originality into our analysis. However, the political and strategic dimensions of these disciplines is not well appreciated. Lefebvre highlights the dominance of a visualised logic as crucial to how these forms of disciplinary knowledge combine to \textit{abstract} space; rendering it broken, reduced, pulverised and ready for consumption. He argues this logic was first revealed most expressively by the revolutionary changes in the visual arts in the first decade of the twentieth century. A major social and political transformation of space was heralded by artistic forms which strove to disrupt the relationship between 'subject' and 'object' and liberate the signifier. Picasso's cubism is probably the best instance of this.\textsuperscript{143} He reduced the depth of the object and restored its multiple aspects; providing for a depiction of a space as simultaneously homogeneous and broken. But this was combined with what Lefebvre


\textsuperscript{141} In particular he notes the influence of Le Corbusier and the almost "comic" projection of technocratic and state-bureaucratic society onto space in Oscar Niemeyer's Brasilia. See Lefebvre H (1991) \textit{The production of space}, see note 1, at p308 and pp312-3.

\textsuperscript{142} \textit{ibid.}, at p150-2.

\textsuperscript{143} However at around the same time, artists such as Paul Klee and Vassily Kandinsky were developing a style which also emphasised the object-in-space. See \textit{ibid.}, at p304.
observes as an "unreservedly visualised space" in which the "dictatorship of the eye -
and of the phallus, aggressive virility and machismo" reign supreme.144

In painting, the radical nature of this aesthetic shift in the perception of space is
unquestionable. Its influence in the architecture and planning of the subsequent period
is however, somewhat more sinister. The adoption of a visualised logic by theorists of
the built environment from the 1920s onwards, did little more than formulate a ready-
made plan for the spatial practice of the state. By recognising the global inter-
relationships of objects in space, architects and designers attempted a
reconceptualisation of the city that simultaneously took into account forms, social
functions and institutional structures. In spite of utopian objectives and formal
innovations, the revolutionary possibilities of this new global conception of space were
never realised by most of those writing and designing at the time. Lefebvre attributes
responsibility to the Bauhaus movement, Le Corbusier and even the post-revolutionary
theories of the Russian constructivists for preparing the ground for "the worldwide,
homogeneous and monotonous architecture of the state, whether capitalist or
socialist".145

Because of its close links with the everyday, architectural practice has a great potential
to aid in the production of a space which provides a bulwark against power and the
violence of abstraction. As an imposition of expertise from above, divorced from any
connections with the use values of a community and beholden to an obsession with the
visual (the intelligible; the readable), architecture (whether modernist or postmodernist)
is forced into an oscillation "between monumental splendour and the cynicism of the
habitat".146 City planners and urban 'designers' are also handicapped by their treatment
of space as a readable text or a surface which can be comprehensively mapped. To do
so is to dwell in the realm of representations of space and to reduce space to the "gaze
of the topographer".147 The imposition of this visual logic on space has a vastly

144 ibid., at pp301-2.
145 ibid., at p126.
146 Lefebvre H (1976) The survival of capitalism, see note 2, at p88. Lefebvre develops an
argument about the limitations of a visualised logic, which accepts the readability of space.
This logic does not reveal (and in fact conceals) the condensation of power relations hidden in
space and their impact on the living body (ibid., at pp142-7).
reductive power, which flattens out the volume and depth of social reality, leaving only a surface. Orienting oneself around this plane requires only the comprehension of plans, the viewing of sights and the interpretation of codes. The driver of a motor vehicle is hence able to pass through the deconcentrated, sliced-up zones of suburbia equipped only with "the capacity to read the symbols of the highway code, and with a sole organ - the eye - placed in the service of his (sic) movement within the visual field".\(^{148}\)

As we have mentioned previously, the logic of visualisation characterising the various forms of 'scientific' knowledge of space, also infiltrates everyday life and popular conceptions of space under the illusions of transparency and opacity. These illusions provide an ideological justification for abstract space as a natural state. Equally important is the state's imposition of a template of fragmentation and homogeneity on space and its accentuation of a hierarchical order of spatial relations in its management of space. Therefore, as abstract space is oriented towards the absorption of use by exchange, the political use of space by the state for domination does not decrease.\(^{149}\)

Abstract space thus simultaneously embraces the hypertrophied analytic intellect; the state and bureaucratic raison d'etat; 'pure' knowledge and the discourse of power. Implying a 'logic' which misrepresents it and masks its own contradictions, this space, which is that of bureaucracy, embodies a successful integration of spectacle and violence (as distinct from 'pure' spectacle).\(^{150}\)

**Abstraction realised II: space, violence and law**

The state enforces its administered fragmentation of space by the force of violence. Although it may appear secured against violence or disruption, abstract space is inherently violent. It is through the apparently coherent, visual logic of a state mode of production that this violence is concealed.

The same goes for all spaces promising a similar security: residential suburbs, holiday homes, fake countrysides and imitations of nature. … (The) state

\(^{148}\) Lefebvre H (1991) *The production of space*, see note 1, at p313. "Someone who only knows how to see ends up, moreover, seeing badly."

\(^{149}\) *ibid.*, at p307.

\(^{150}\) *ibid.*, at p308.
management of space implies a logic of stability that is both destructive and self-destructive.\footnote{ibid., at p387.}

The social relations embedded in abstract space rely predominantly on prohibitions as a source of meaning. The state and the legal order play a crucial role in the planning and imposition of sanctions over the use of space. Alongside the enforcement of norms of criminality, the development of the juridical form of private property spatially inscribes the limits of everyday life. For Lefebvre, prohibition is the reverse side "of the negative appropriation of space under the reign of private property."\footnote{ibid., at p319.} Abstract space gains a repressive efficiency that hides deceptively behind the pretence of civic peace and consensus. Institutional state power is exercised in the most coercive ways to preserve a 'non-violent' social order. The distance between forms, functions and structures lengthen and can become detached from each other. Despite the outward claims of readability and transparency, institutions such as the justice system, the law and the bureaucracy become indecipherable and contain "functions which are different to - and sometimes opposed - to their apparent forms and avowed structures".\footnote{ibid., at p149. Lefebvre also discusses the normative, quasi-legal discourses which arise out of the tacit "non-aggression pact" underlying abstract space (at pp56-7).}

The most dramatic effects of the violent and prohibitive limitations of abstract space are those felt by the body. Scientific practice, philosophy and the state in western societies have “\textit{betrayed} the body”. Philosophy in particular “has actively participated in the great process of metaphorization that has \textit{abandoned} the body; and it has \textit{denied} the body”.\footnote{ibid., at p407} Under the reign of this spatial regime, the body is broken down into various locations with prescribed uses and normative values attached to them. In fact there is a great similarity in the way that space is carved up and how "the body is cut into pieces in images (especially the female body, which is not only cut up but also deemed to be 'without organs')".\footnote{ibid., at p355.} Accompanying this subdivision of space into zones for work and leisure - daytime and nocturnal uses, is a refusal to acknowledge the existence of "body, sex and pleasure … until after dark when the prohibitions that obtain during the day,
during normal activity, are lifted”. When the body's integrity is recognised at all, it is for the purpose of reinforcing a natural-functionalist myth. Contradictorily, abstract space's immediate point of reference is genitality: the family unit, the type of dwelling …, fatherhood and motherhood, and the assumption that fertility and fulfilment are identical. The reproduction of social relations is thus crudely conflated with biological reproduction, which is itself conceived of in the crudest and most simplistic way imaginable.

The attack on the body and its pulverisation by the abstractions of dominated space is a profoundly gendered process, and it can be partly explained by the ascendancy of patriarchal social relations. "Paternity's imposition of its juridical law … on maternity promoted abstraction to the rank of a law of thought," in which the dominion of the Father over the earth, family and possessions was unquestioned. Relegated to the realm of the feminine were those remnants of first nature (absolute space) - sense experience, pain and pleasure, biological reproduction and bodily rhythms. The shift to the rule of paternity and its attendant establishment of an abstract model of private ownership of land, carried with it "the imposition of a law of signs upon nature through writing, … inscriptions - through stone". But Lefebvre is reluctant to take the prohibitions and legal restrictions that arise from patriarchal dominance as lying at the origin of society. He argues that to the extent that Lacan does this, he ignores productive activity and asserts the "logical, epistemological and anthropological priority of language over space".

The attack on the body reiterates for Lefebvre the immensity of the questions at stake in the struggle over space – a struggle which is literally a matter of life and death as the state and capital impose abstraction on everyday life. However, the gravity of the situation forces the agents of abstract space to confront the contrary forces that lie within in it and launch attempts at the resolution of its internal contradictions. This

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156 ibid., at pp319-20.
158 ibid., at p243
159 ibid., at p243
160 ibid., at p36. See also Shields R (1999) *Lefebvre, love and struggle*, see note 17, at p181.
means abstract space is never 'absolute' - its social relations must be continually reproduced and reimposed. Lefebvre likens this process to a trial by space - “an ordeal which is the modern world’s answer to the judgement of God or the classical conception of fate”.\(^{161}\) Whatever is put into the dock, - whether philosophy, religion, science or law - is subjected to an aggressive cross-examination during the trial. This places a perpetual, contrary pressure on established forms of spatial power which always leaves open the possibility of future transformations through the generation of new socio-spatial orders. Inevitably, all political and social movements attempting to assert contrary impulses to those of abstract space must undergo judgement in a trial by space. As Brenner describes it, “(t)he viability of all transformative political strategies depends crucially upon their ability to produce, appropriate and organise social space”.\(^{162}\) For Lefebvre, "groups, classes or fractions of classes cannot constitute themselves, or recognise one another as 'subjects' unless they generate (or produce) a space.”\(^{163}\)

**Contradictory space**

Under the reign of abstract space, capitalist social relations are extended to insert themselves into every instant of everyday life. As Martins explains, Lefebvre's understanding of this process of the occupation of social space by capital marks a key difference in his work from that of both orthodox Marxism and the structuralist approach of writers such as Castells. For Lefebvre, the dominance of the capitalist mode of production was accomplished, not simply through industrialised production or the "reproduction of the labour force through consumption". An explanation of the intensity of the administrative and political colonisation of the lifeworld (to use the terminology of Habermas), must account for the rigorous way in which these dominant relations of production become internalised by individuals and recognise the following 'incursions' into everyday life:

i) the tendential destruction (or marginalisation) of all non-capitalist spaces;

ii) the organisation of both private and public consumption through advertising and state bureaucracy and

\(^{161}\) *ibid.*., at p416.


iii) the extension of the rule of profit to "non-productive" sectors, such as leisure, arts, information, architecture and urbanism.164

But abstract space's absolutist tendencies have the inevitable effect of generating and intensifying existing internal contradictions. These social contradictions are mostly hidden within the flat, visual field of currently conceived representations of space and hence the conflicts they create are difficult to voice. However the fact that they are realised spatially means that they become, in effect "contradictions of space".165 Socio-political contradictions such as that between capital and labour are subsumed within more general contradictions that inhere in the spatial reproduction of the relations of production.166

An important example is the contradiction between centres and peripheral regions. For Lefebvre, the urban is an expression of the couplet: simultaneity/centrality.167 But increasingly there develops a centralisation of power within the city and the dispersal of social settlement to the city's peripheries. In this dispersal, people are "segregated within a complex hierarchisation of residential and non-residential" zones (ensembles urbaines). Urban spaces are "transformed into a collection of 'ghettos'168 where individuals are at once 'socialised', integrated … and separated, isolated, disintegrated".169 This is a dual process encompassing the explosion of the city (through a generalised urbanisation of the whole society) alongside its simultaneous 'ruralisation'.170

165 Lefebvre H (1991) The production of space, see note 1, at p365. (Italics in original.)
167 "There is no urban reality without a centre …. In this form the urban has a name; it is simultaneity." quoted in ibid., at pp170-1.
168 "(T)hose of the elite, of the bourgeoisie, of the intellectuals, of the immigrant workers, etc. These ghettos are not juxtaposed, they are hierarchical, spatially representing the economic and social hierarchy, dominant and subordinated sectors." Lefebvre (1978) De l'Etat vol IV, see note 50, at pp309-10, (quoted in Shields R (1999) Lefebvre, love and struggle, see note 17, at p178).
170 ibid.
Lefebvre treats the relation between centre and periphery dialectically, but not according to the methodology of Marx or Hegel, both of whom were more interested in the temporality of the dialectic. Inverting their logic, he sees historical contradictions as implied and explained by spatial contradictions which are not reducible to the historical. Lefebvre explains the centre-periphery relation as generated strategically as the centre organises its surroundings – “arranging and hierarchising the peripheries”.

Colonisation, which like industrial production and consumption was formerly localised, is made general. Around the centres there are nothing but subjected, exploited and dependent spaces: neo-colonial spaces.

But this only occurs in the wake of previous struggles by classes and fractions who assert a contrary impulse. This contradiction is the product of a deeper tension between the fragmentation of space (in its administration and its commodification in segmented ‘lots’) and the “global capacity of the productive forces” to (conceive of and) “produce spaces on a planetary scale …”.

The great concerns that have arisen in recent decades over environmental destruction, resource depletion and climate change are similarly fragments of a more global contradiction – that between the technological ability to produce and manage space on a frightening scale and the limitations that arise from the privatised ownership of space. Interests in capital accumulation and perpetual ‘growth’ clash with attempts to organise space for ecologically benign uses. For Lefebvre, the “problem of the environment” cannot be separated from the more generalised problem of the contradictory basis of spatial administration. This spatial manifestation of the contradiction between the development of the productive forces and relations of production is faced whenever territorial planning attempts to assert social(ised) demands against the private interests of capital in space.

172 Lefebvre H (1976) The survival of capitalism, see note 2, at pp84-5.  
173 ibid., at p17.  
174 ibid., at p19.  
176 ibid.
(W)hat has happened is that capitalism has found itself able to attenuate (if not resolve) its internal contradictions for a century, and consequently, in the hundred years since the writing of *Capital*, it has succeeded in achieving 'growth'. We cannot calculate at what price, but we do know the means: *by occupying space, by producing a space.*\(^{177}\)

The technological and scientific capacities to produce this space may be ironically juxtaposed with the fact that the social relations within abstract space produce only repetitive reproductions of the past. In what is perhaps the "ultimate contradiction" for Lefebvre: "The production of space is thus transformed into its opposite: the reproduction of things in space … and the renewal … of existing social relations."\(^{178}\)

Just as Marx identifies the contradiction between use value and exchange value as crucial to capitalist social relations,\(^{179}\) Lefebvre spatialises and expands the interpretation of this contradiction. He focuses on highly contested struggles for the appropriation (or use) of space in opposition to the domination of commodification and exchange.\(^{180}\) This may be understood in terms of the conflict between

a consumption of space which produces surplus value and one which produces only enjoyment … It is a clash, in other words, between capitalist 'ultilizers' and community 'users'.\(^{181}\)

In comparison to the abstracted space of the expert, the space of the user is not primarily a representation or a conceived space, but a *lived* one - a representational space which exceeds both calculation\(^ {182}\) and quantification.\(^ {183}\) The unrelenting attempts to impose a quantifying logic onto social relations are met with resistance from social forces reasserting the qualitative, such that it is never totally eliminated. This may be seen through the movement of people from the strictly quantified *space of consumption* to the (unproductive) *consumption of space*.

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\(^{177}\) Lefebvre H (1976) *The survival of capitalism*, see note 2, at p21 (italics in original).


\(^{179}\) See Marx K (1973) *Grundrisse: foundations of the critique of political economy*, see note 46, at pp266-74.


\(^{181}\) *ibid.*, at pp359-60.

\(^{182}\) *ibid.*, at p362.

\(^{183}\) *ibid.*, at p352.
A contradiction thereby arises between the consumption of space, which produces surplus value, and a consumption which produces only enjoyment and pleasure.\footnote{ibid., at p359.} Leisure spaces certainly become integrated into the capitalist economy,\footnote{As mentioned earlier, Lefebvre is careful to counsel against placing faith in leisure alone as an escape from abstract space.} but it is in this movement: from work and the everyday to non-work and festival that quality is returned to the agenda. In this process "the body regains a certain right to use" which nevertheless remains unfulfilled. While it generally amounts to little more than a consumption-driven "culture of the body",\footnote{ibid., at p309.} the reassertion of use introduces perhaps the most extraordinary and explosive contradiction of space: the body opposes its pulverisation by the forces of abstraction.

It will not allow itself to be dismembered without a protest, nor to be divided into fragments, deprived of its rhythms, reduced to its catalogued needs, to images and specialisations.\footnote{Lefebvre H (1976) The survival of capitalism, see note 2, at p89.}

6. Differential space: appropriation and self-management

This bodily "revenge"\footnote{Lefebvre H (1991) The production of space, see note 1, at p384.} heralds the birth of a new form of spatialisation: a differential space-time\footnote{ibid., at p50.} emerging from the cracks and contradictions of abstract space. The apparently totalising tendencies of abstraction - towards homogeneity and violence - in the service of a bureaucratically managed capitalism, are never rendered absolute. As much as abstract space relates negatively towards the alternative forms of spatialisation it harbours, it can never totally suppress or resolve the contradictions which engender them. This alternative, differential space, is oriented against the homogeneity of abstract space and towards the accentuation of differences and particularities. It restores a unity to the "functions, elements and moments of social practice" that are fragmented by abstract space:

It … put(s) an end to those localizations which shatter the integrity of the individual body, the social body, the corpus of human needs, and the corpus of knowledge. By contrast, it … distinguishes what abstract space tends to identify
for example, social reproduction and genality, gratification and biological fertility, social relationships and family relationships.\textsuperscript{190}

Differential space is a space of appropriation rather than domination: a massive intervention and co-existence of personal and collective uses of space. As we have explained earlier in this chapter, appropriation for Lefebvre is not just a rhetorical abstraction, but necessarily involves the appropriation of the body - its times, rhythms, symbols and practices. An appropriated space cannot be simply manufactured along the lines of a commodity. Its production requires the restoration of the relationship between the body (as a deployment of energy) - and its own space. One crucial aspect of this restoration is the recovery of

the sensory-sensual - of speech, of the voice, of smell, of hearing. In short the non-visual. And of the sexual - though not in the sense of sex considered in isolation, but rather in the sense of a sexual energy directed towards a specific discharge and flowing according to specific rhythms.\textsuperscript{191}

It also requires the reassertion of the body's gestural rhythms in order to inaugurate a move from the mental to the social production of space. Resistance of the rhythmic against the reductionism of functional constraints constitutes the retrieval of bodily rhythms and the reintegration of them with the rhythms of social practice.\textsuperscript{192} Lefebvre posits the city or the urban centre as the site in which a differential rhythmic field becomes most concentrated and is expressed in the 'urban festival' - the revolutionary counterpoint to abstract space. During the last years of his life his attention turned increasingly to the development of rhythmanalysis as the intellectual companion to such a political enterprise.\textsuperscript{193} This theorisation of the patterns, rhythms and banal recurrences

\textsuperscript{190}ibid., at p52.
\textsuperscript{191}ibid., at p363.
\textsuperscript{192}“An uprising of the body, in short, against the signs of non-body: ‘The history of the body in the final phase of Western culture is that of its rebellions.’” (ibid., at pp200-1, quoting Octavio Paz).
\textsuperscript{193}He even expressed hopes that rhythmanalysis might take the intellectual place of psychoanalysis: Kofman E and Lebas E (1996) 'Lost in transposition: time, space and the city', in Lefebvre H (1996) \textit{Writings on cities}, see note 2, pp3-60, at p29. For a discussion of the importance of bodily rhythms to social struggle and the production of alternative forms of space see \textit{ibid.}, at p40, pp110-1, pp166-7 and pp170-1. Lefebvre's preliminary formulations of
of everyday life, signals a return to the interconnections between space and time. Abstract space produces a certain social time which is reproduced and imposed on users of space. In this spatial formation, time is equated with that of productive work and living rhythms are reduced and defined as "rationalized and localized gestures of divided labour".\footnote{Lefebvre H (1991) \textit{The production of space}, see note 1, at p408.}

The more space is functionalized - … - the less susceptible it becomes to appropriation. Why? Because in this way it is removed from the sphere of \textit{lived} time, from the time of its 'users', which is a diverse and complex time. … (W)hat is it that a buyer acquires when he (sic) purchases a space? The answer is time.\footnote{ibid., at p356.}

But "real social time" is constantly reappearing and introducing its own "characteristics and determinants; repetitions, rhythms, cycles".\footnote{ibid., at p339.} Hence one explanation for the importance of music in contemporary social life is as a substitute (or resurgence) of rhythms which are crushed by the quantified, linear form of abstract space.\footnote{ibid., at p384. See also Kofman E and Lebas E (1996) 'Lost in transposition: time, space and the city', see note 193, at p31.}

So spatial struggles are as much about the control of time as of space. This is relevant to the deep connections between the urban revolution and the rhythms of everyday life. In a discussion of the events of May 1968, Lefebvre explains how this rebellion momentarily suspended the everyday, only for it to return reorganised and renewed.\footnote{Lefebvre H (1976) \textit{The survival of capitalism}, see note 2, at pp122-3. During the May '68 events it was inevitable the suspension of the everyday “defined by a sum total of absences: no post, no petrol, no transport, etc.” would eventually be lifted, accompanied by a return of, not just ‘essential services’, but “the everyday as a whole. The rule of exchange value and the commodity world were restored ….”. (at p123)}

Isolated, punctuated explosions of political festivity such as this provide us with transient models of social transformation - along the lines of Lefebvre’s theory of moments. However for the urban festival to have a hope of transcending abstract space, rhythmanalysis can be seen in \textit{ibid} at pp204-7, pp212-8 and pp404-8. See also Lefebvre H and Regulier C (1999) ‘The rhythmanalytical project’, \textit{Rethinking Marxism}, 11(1): 5-13.
the patterns and self-imposed strictures of everyday life must also be transformed. How is this transformation to be generated? Lefebvre expresses a strategic orientation for the production of differential space in terms of a model of community self-management, which depends on two generalised spatial rights: the right to the city and the right to difference.

_Self-management: the right to the city and the right to difference_

Self-management is envisaged in this schema as something very different from the models of democracy adopted within liberal political discourse, the version of self-management adopted by Euro-communists and in the Yugoslavian reforms during the 1970s, and anarchist experiments in communal living. In particular, Lefebvre distances self-management from liberal models of ‘community consultation’ or ‘participation’. Participation in particular is a regularly occurring trope in the conceptualisation of democratic governance in representative democracies. It is one of the foundational principles of systems of administrative and public law, which rely on liberal values of responsive government. Lefebvre argues that abstracted from a process of community self-management, ‘participation’ is not real: “it has no meaning; it becomes an ideology, and makes manipulation possible”. Similarly, self-management as it appears in most Marxist theory is solely concerned with worker control over economic production. Ignoring the multi-dimensionality of space, traditional Marxist approaches to self-management have tended to be blind to the need to place the liberation of everyday life at the core of revolutionary political struggle. Movements to establish self-managed communities, outside the boundaries of contemporary capitalism (such as Bookchin’s anarchist urbanism) are also rejected by Lefebvre as attempts to create a “privileged space”. This confuses ends with means and constitutes an “abstract utopianism”. What is required is a “generalised self-management” applied at the territorial level.

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199 ibid., at p120. In chapter eight, it will be argued that this aspect of Lefebvre’s work provides a lens through which we may critique the use of participation as a guiding norm for critical approaches to public law.


This construction of "counter spaces", must shift beyond an attack on the liberal state for its failures as the guardian of the 'general' (or public) interest. These failures are not unexpected, as abstract space is organised and buttressed by the considerable resources of the state. Self-management must therefore "confront the state in its role as organizer of space, as the power that controls urbanization, the construction of buildings and spatial planning in general." The state's interventions in space must be turned against itself by "counter-plans and counter-projects designed to thwart strategies, plans and programmes imposed from above". Self-management as an active political process, cannot rely on existing institutions of administrative accountability which depend on abstract models of transparency and public interest. It involves something more than a process of community 'consultation' or a retreat to the pure dialogue of 'collaborative planning'.

(L)ife cannot be changed by magic or by a poetic act, as the surrealists used to believe. Speech freed from its servitude plays a necessary part, but it is not enough. The transformation of everyday life must also pass through the institutions. Everything must be said: but it is not enough to speak, and still less to write. 'Self-management' is a social practice which can overcome the dissociations of everyday life and can create new institutions going beyond those that simply ratify the dissociations. This social practice may have a name, but it cannot be reduced to a way of speaking.

The practice of self-management is defined for Lefebvre by two spatial demands. The first is the right to the city (le droit a la ville) - or the right to urban life. It is the centrality of the urban as a space of encounter which allows differences to flourish and generates the possibility of collective action. This is a right not to be expelled from the city, from social life: a rejection of enforced segregation to the urban peripheries and the daily schedule this entails. Importantly, it is also a demand for a role in “all circuits of decision-making leading to the control and development of the organisation of social

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202 Lefebvre H (1991) *The production of space*, see note 1, at p383 "The possibility of working out counter-projects, discussing them with the 'authorities' and forcing those authorities to take them into account, is thus a gauge of 'real' democracy." (at pp419-20)
204 Lefebvre H (1976) *The survival of capitalism*, see note 2, at p124.
space” and hence resistance to the control of social space-time by the state, urbanism and capital.\textsuperscript{205}

A logical implication of the right to the city is its companion: the \textit{right to difference}. This arises out of material and practical fights to assert differences which exceed both the differentiations induced by the fragmentation of abstract space and those based on ‘natural’ characteristics.\textsuperscript{206} Such a right can only be understood as the product of struggle and “implies no entitlements that do not have to be bitterly fought for”.\textsuperscript{207} Its content may be simply described as the right to be free from systematic classification within the narrow categories of the homogeneous forces of abstract space.\textsuperscript{208} Lefebvre describes it as “diametrically opposed to the right of property, which is given validity by its logical and legal form as the basic code of relationship under the capitalist mode of production.”\textsuperscript{209}

The pursuit of these rights to a generalised self-management presupposes a system of "direct democracy", involving the relentless undermining of centralised bureaucratic decision-making. It must resist the temptation to pass the process back into the hands of particular corporate interests (universities, the judiciary, architects and planners, engineers and information specialists) whose expertise dominates existing models of decision-making. Such a move constitutes a form of "co-management"\textsuperscript{210} which inevitably re-entrenches the homogenising and fragmenting tendencies of abstract space. Neither difference, nor rights to urban life can be expressed under such circumstances. Space must be appropriated and the separation between the \textit{work} (an act of unique creativity) and the \textit{product} (the reproducible) transcended. With a utopian flourish, Lefebvre calls for the creation or production of "the space of the human

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\textsuperscript{205} Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 34, at p183.
\textsuperscript{206} Lefebvre H (1991) \textit{The production of space}, see note 1, at p64.
\textsuperscript{207} \textit{ibid.}, at p396.
\textsuperscript{208} Martins M (1982) 'The theory of social space in the work of Henri Lefebvre', see note 34, at p183.
\textsuperscript{209} Lefebvre H (1991) \textit{The production of space}, see note 1, at pp396-7.
\textsuperscript{210} Lefebvre H (1976) \textit{The survival of capitalism}, see note 2, at pp121-2.
\end{flushleft}
species" relying on an orientation towards "nothing which even remotely resembles a system". 211

7. Conclusion
This survey of Lefebvre's theory of the production of space has drawn attention to a number of important aspects of his thought. Firstly, he understands space as both an outcome and a determinant of the process of production. Secondly, he depicts the spatial dimensions of contemporary capitalism in terms of a model of abstract space – simultaneously fragmented, homogenised and hierarchical. Thirdly, he emphasises the production of space as a deeply political and conflict-ridden process, in which the state plays a significant part. In the next chapter I will combine these elements with his writings on social theory and everyday life, and suggest an original methodological approach for the interdisciplinary study of law, regulation and space.

211 Lefebvre H (1991) The production of space, see note 1, at pp422-3. I will revisit these two spatial rights in chapter eight at pp251-3.
Chapter Four

Law / space / method

The previous two chapters have outlined Lefebvre's intellectual trajectory and the characteristic features of his social theory. Chapter two noted his embrace of a humanist Marxist tradition in the 1930’s, and traced how his early concerns to connect theory with practice were actualised in his sociological studies of everyday life. Throughout the 1960’s and early 1970’s he became increasingly concerned with an explicitly spatial problematic. The publication of The production of space in 1974 marks the culmination of a period of work in which his attention turned to urbanisation and the spatial dimensions of the reproduction of social relations. In chapter three, I summarised his theory of spatial production and his account of the historical emergence of spatial formations.

The decision to survey Lefebvre’s writings in such detail was prompted by a need to situate his theory of space within the context of his overall output. By contrast, many interdisciplinary appropriations of his work on space fail to recognise how it is connected to his other longstanding intellectual concerns. More troubling is the widespread tendency for The production of space to be used primarily as a source for eloquent quotations. It is true that Lefebvre provides many tempting opportunities in this regard, but this superficial interest in his work has helped to obscure its importance outside distinct fields within the disciplines of geography, planning and cultural studies. I argue that Lefebvre’s theory of space has much to contribute to critical legal studies and socio-legal research, but it can be most profitably employed in combination with elements derived from his writings on philosophy, everyday life, urbanisation and the state. From the material considered in the last two chapters, it is possible to distil three methodological themes that will frame the inquiries to be conducted in this thesis.

The first theme concerns the relationship between space and production. Lefebvre understands space as both socially produced and as an essential precondition for the reproduction of the social relations of production.¹ In addition, space forms part of the

state’s productive machinery of social regulation, and is a site of political struggle and creative production (or appropriation). I will make extensive use of the theme of the production of space in the following chapters. In chapter five I will concentrate on how suburban space is the product of technological and industrial requirements, ideological attachments and active state intervention. This last factor highlights the role of the state as a pivotal agent in the planning, management and administration of space. As explained in the last chapter, contemporary spatial production cannot be adequately understood without appreciating the emergence of the state mode of production, a spatial enterprise that attempts to hold the contradictory elements of abstract space together in a formal unity. Chapter six will draw on this account of the state to describe the historical role of land-use planning regimes in the production of Australian suburbia. It will also be a central element in my analysis in chapter seven of the legal structure for spatial planning that has accompanied the recent emergence of a neoliberal state mode of production.

One issue of importance here is the way this state formation embodies the complex and often contradictory relationships between federal, State and local tiers of government. I will identify how the Integrated Planning Act 1997 (Qld) simultaneously embraces contradictory impulses towards centralisation and decentralisation in reconfiguring the relationship between the State government and local authorities. In so doing, the neoliberal form of urban governance manifested by the Integrated Planning Act provides a mechanism by which the state both commodifies and produces the space within its jurisdiction.

A second theme relates to Lefebvre’s strident opposition to all forms of reductionism and in particular, the fragmentation of social thought into artificial ‘specialisations’. This is linked to his materialist resistance to the collapsing of social relations into mental structures. He identifies this kind of reductionism in the varieties of structuralist, poststructuralist and psychoanalytic thought, which gained prominence throughout the 1960’s in the wake of the linguistic turn in the social sciences.² Lefebvre’s stance in this regard can be observed in his critique of the habitual dissociation of form, function and structure within social thought, which results in

² See chapter two at pp52-3.
various formalist, functionalist or structuralist versions of reductionism. He deploys the form-function-structure triad to depict the rationality of habitat that has guided planning practice throughout much of the twentieth century. I will use this framework in chapters six and seven to investigate the theoretical foundations of spatial planning during the post-war era, and the contemporary planning system under the Integrated Planning Act 1997 (Qld).

Another example of Lefebvre’s anti-reductionism is expressed through his complex and layered portrayal of space as neither simply a physical container of objects, nor an infinite, discursive field. Again he uses a trio of concepts to describe the characteristics of space in terms of spatial practices, representations of space and representational spaces. These concepts will be used in the next chapter to explain the material, ideological and imaginary dimensions of suburban space. In subsequent chapters I will draw attention to the representations of space embodied in the interventions of post-war land-use planning and in the recent shift to a neoliberal model of urban governance in Queensland, in order to show how these representations engender a particular form of spatial practice within suburbia.

Lastly, as I described in chapter two, Lefebvre’s thought is situated within a humanist Marxist tradition, in which the social world is conceived as an open totality. This theoretical position leads him to assert the generative role of social contradictions, and it will become particularly relevant in assessing the implications suggested by the contradictions of abstract space for both planning law (chapter seven) and public law in general (chapter eight). These contradictions lead us to the inescapably political nature of socio-spatial relations expressed most overtly in concrete struggles to reappropriate space. They will prompt me to consider two areas of inquiry in chapter eight. The first concerns the relevance of the contradictions between centre and periphery, and that between global and fragmented forms of power for developing a theoretical

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understanding of the neoliberal state within public law scholarship. The second topic relates to the spatial contradiction between the use and exchange values attached to space. I will argue that this contradiction suggests new normative grounds for a critical approach to administrative justice, which extend beyond the current fixation on the norms of participation and accountability.

Lefebvre’s attachment to the ‘open’ nature of the social totality is also partly responsible for his emphasis on the relationship between spatial politics and the emancipatory capacity of human agents to transform social relations. Consequently, his work has great potential for the critical legal study of struggles emerging out of the regulation of spatial production. However, Lefebvre tends to leave his theoretical insights in the realm of the utopian, and this must be acknowledged as presenting a significant obstacle to the use of his ideas in framing concrete proposals for institutional design.

Despite this limitation, the three themes I have identified in Lefebvre’s writings have the potential to contribute to a theoretical revival of the interdisciplinary study of legal and spatial relations. They provide a distinctive and original alternative to the currently existing theoretical resources of this field. In particular, Lefebvre’s theory of space resists the widespread tendency, apparent in the theoretical work of Blomley and Clark, to reduce space to a linguistic model. Dependent on the ‘interpretive turn’ in the social sciences, their account conceives of space as a metaphorical source of indeterminacy and social contingency. Methodologically, space is used to signify local interpretive contexts, which oppose the absolutist and imperial tendencies of legal positivism. While not necessarily wrong, this is a partial perspective, which prioritises mental conceptualisations of space, over its material and lived dimensions.\(^5\)

By contrast, Lefebvre offers a complex theory of space, which draws attention to the material reasons why it is such an important dimension of social inquiry. For him, the key task is to link research questions to the socially produced character of space and its role in social reproduction. This redefines and places boundaries on the use of the concept of ‘space’ as a methodological tool within the social sciences. Importantly for

\(^5\) ibid., at pp5-7.
present purposes, it suggests a distinctive theoretical approach for the investigation of the relationship between law and space, which emphasises law’s role in the production of space, rather than drawing on opaque, metaphorical associations between legal forms and mental spaces. While spatial metaphors and ideological representations of space will play a crucial role in my argument, they will be linked to more general processes of spatial production.

In the next three chapters I will conduct a number of studies of spatial production. Lefebvre’s insights will be utilised in the investigation of the emergence of suburban space, the role of post-war land-use planning in its development and a critique of the legal regulation of land-use through the Integrated Planning Act 1997 (Qld). Each of these chapters will draw on Lefebvre’s own interests in spatial form, urban planning and state theory. Together they help to illuminate the role of planning and its legal architecture in the production of space. In chapter eight I will take these insights further and demonstrate how Lefebvre’s theory of the production of space has a number of important implications for critical thinking about systems of public law.
PART II

Studies in the production of space
Chapter Five

**Australian suburbia as the production of space**

1. Introduction: space and suburbia

What use can then be made of Lefebvre's methodological approach to social inquiry - one which places great explanatory emphasis on an ontology of spatial relations? The next two chapters will demonstrate how his insights provide a novel way of understanding the production and planning of social space in Australia’s urbanised regions. In the first instance, Lefebvre’s theory of the production of space will be applied in an analysis of the suburbanisation of Australian cities. This will necessitate a consideration of the position occupied by *suburbia* within Australian geography and cultural studies. In depicting the various ways in which suburbia has been represented, the discussion will inevitably touch upon the relationship between this spatial form as a modality of everyday life, and the reproduction of capitalist social relations. I will identify the roles of three causal influences which have been commonly adduced to explain the development of suburbia: technological changes, ideological factors and the intervention of the state. While none of these are solely responsible for the rise of the suburban form of Australian cities, a coalescence of all three can be observed in the processes of urban planning. Accordingly, the purpose of the next chapter is to explain how urban planning has contributed to the predominantly suburban character of Australian cities, and is an important means through which the *state mode of production* operates within social space.

These two chapters are intended as distinctly interdisciplinary interventions in Australian urban studies, which have importance for contemporary debates in planning, geography and socio-legal studies. At one level, placing Australian metropolitan regions within the context of Lefebvre's 'production of space' perspective is intended as a contribution to discussions over the origin and social meaning of suburbia. But I am also concerned to explain the ways in which planning thought and regulatory regimes have contributed to the dominance of the deconcentrated urban form. By describing the various forces that have contributed to the rise of suburbia, it will be possible to develop a deeper understanding of the dominant theoretical influences on planning throughout
the post-war era. Through their influence on the creation of deconcentrated forms of urbanisation, regimes of spatial planning provide a mediation between everyday life and the instrumental interventions of the state. In Lefebvrian terms, the planning of suburbia will be presented as a key contributor to the social production of abstract space.

Why suburbia?
It has frequently been observed that Australia is one of the most urbanised countries in the world, with a concentration of its population in large metropolitan areas matched by few developed countries. However, its major metropolitan regions also enjoy a reputation as more deconcentrated and dispersed than most cities in the world.¹ The dominance of this deconcentrated form of settlement space has prompted the orientation of a significant stream of urban studies towards the study of suburbia in the reproduction of social life in Australia. Early obsessions with colonial trappings and myths of the rural settler in defining national identity have, to a large extent now been displaced by an interest in what is often assumed to be a characteristically ‘Australian’ form of urban life. Throughout the twentieth century, much of the intellectual attention given to the culture of Australian suburbia oscillated between outright hostility and embarrassment. However, particularly since the 1970s, more sympathetic treatments of suburbia have become the norm as writers in urban and cultural studies have accepted the existence, popularity and even the inevitability of this residential form in Australian cities and towns. This heightened sensitivity to the particular spatial forms which structure everyday life in Australia is indicative of a number of tendencies.

In one sense, it represents a general realisation of the limitations of simplistic identifications between the urban and high culture, and the suburban with baseness, lack and a cultural void. The various forms of aversion to the suburban ideal have been partially quelled in Australian cultural geography by an acceptance of the ‘reality’ of

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deconcentrated forms of urban development and the fact that there appears to be much popular support for this spatial form. In an abandonment of abstract critiques of suburbia, attention has instead focused on the micro-practices of everyday life - including consumption, housing design and the cultural pluralism of Australian cities. In addition, much of the recent work recognising the importance of suburbia as an object of critical inquiry, is driven by an awareness of the ‘spatial turn’ in the social sciences more generally. Drawing on many of the influences in critical geography discussed in chapter one, these writings pride themselves on narrating stories which have hitherto been hidden behind closed doors and opaque fly screens. Various accounts have self-consciously drawn attention to suburbia as a key site in understanding the spatial dimensions of contemporary Australian social life through investigations of the politics of space, the gendered and racialised constructions of it and new understandings of ‘postmodern cities’ as ‘cities of difference’.

This chapter will contribute to a burgeoning literature by explicitly focusing on the production of this ‘classic’ Australian spatial form. The theoretical approach taken here will utilise Lefebvre’s account of the complexity of social space to avoid presenting suburbia simply as either a physical space or a mental (or discursive) space, but as a way of analysing the spatial practices of everyday life. It will be argued that contemporary Australian suburbia constitutes the hegemonic spatial practice accompanying the bureaucratic society of controlled consumption. In addition, suburbia embodies an ensemble of abstract representations of space, which are imposed on space through the planning, administration and legal regulation of the city. Simultaneously it is premised on tendencies towards:

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2. Suburban life in Australian cultural geographies: a prologue

Tim Rowse has identified the concept of suburbia as a depiction of a certain form of social life which emerged in the metropolises of Europe at the beginning of the era of Imperialist and monopoly capitalism … (and which became) … the typical mode of domestic living for the majority of people in those countries.  

However even from the earliest studies of Australian culture, the equation of suburbia with Australian “civilisation” has been so strong that most attempts to critically analyse everyday culture have inevitably drawn on suburban iconography in a bitter-sweet reification and denunciation. Many of the assumptions about the nature of Australian suburbanity have become standardised through their representation in classic treatments such as Donald Horne's *The lucky country*, Robin Boyd's *The Australian ugliness*, the comedy of Barry Humphries and the work of Patrick White. Rowse’s point is that, despite differences between the variety of depictions of suburbia, embedded within each of them is an identification of suburbanism with the essence of Australian life. An effect of this has been the reinforcement of a particular ideological construction of Australian society, as a homogeneous ensemble of individual householders divorced

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5 *ibid.*, at p4.

from the world of labour, social and political conflict. The suburban plot is assumed to generate a “logic of avoidance”: an escape from the complex cultural interactions of the modern industrialised city. Hence even amongst the various critiques of suburban life, suburbia has tended to be essentialised in some form, and hypostatised in the critical imagination.

For Rowse and for much of the cultural geography that has followed in the last two decades, this has been insufficient. Critical geography has had to seriously contend with how suburban life is intertwined in the conflictual and multi-faceted nature of Australian society. The discussion that follows in this chapter is a contribution to this literature. Here a particular effort will be made to avoid the tendency that Rowse identifies, of treating suburban life as an essentialised social form, defined by the absence of cultural diversity, of social conflict and institutional influence. Countering this tendency requires us to take the concrete ‘realities’ and social practices of suburban life seriously. But it is also necessary to avoid the obverse danger of an idealist embrace of people's uses of the suburban 'plot', as a means of escaping social, political and legal conflicts. The administration, planning and legal reproduction of suburbia are processes which are not neatly explained by adopting either the simplistic hostility of anti-suburban critics or the 'uncritical' celebration of the banal in much contemporary cultural geography.

The rise of suburbia as the hegemonic form of urban development in Australian cities has been explained as the product of numerous interacting social and economic forces. These can be rather crudely grouped into the concerns of three preoccupations within urban social thought. The first concerns the links between spatial form, technological developments and social functions, and can be observed in the common availability of motor vehicles, commuter transport and public infrastructure. The second involves an

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9 “Every intellectual has a theory to explain what is missing.” ibid., at p18. For liberals it is the dullness and mediocrity inherent in the suburban plot. Socialists target home-ownership and for social democrats social uniformity is at fault. Feminists identify the problem as the bourgeois separation of the masculine ‘public’ sphere from the private, ‘feminised zone’ of suburbia.
association between the rise of suburban living and certain ideological preconditions, such as fears of moral or sanitary danger within urban centres or the relative attachment to individualistic forms of social organisation. Lastly, I will survey debates over the impact of state intervention in the organisation, subsidisation and imposition of deconcentrated forms of urban settlement as the dominant model in Australia. In the argument pursued here, the state’s role in urban regulation and governance will be identified as an intersection site of technological and functional requirements and ideological representations of space. This will reveal the key role played by regimes of urban planning in the formation of dispersed urban settlements. In the next three sections, I will explore the ways in which technological functionalism, ideological representations and state intervention have contributed to the production of suburbia.

3. Urbanisation, industrialisation and deconcentration

Even on a cursory examination, there are obvious associations between the expansion of suburbia and the technological capacities of advanced industrialised society. Numerous writers have drawn attention to the dependency of deconcentrated forms of urbanisation on the growth of forms of transportation and communication. Without the development of rail transport and the widespread use of the motor vehicle and its accompanying social infrastructure, peripheral urban development would never have been possible. This is acknowledged in Jackson's history of suburban development in the United States,\textsuperscript{10} and has been used to explain the fact that it took until after World War II for large-scale suburbanisation to take place in Australia.\textsuperscript{11} Similarly, the advent of increasingly sophisticated forms of telecommunication appear to reinforce the perception of an inexorable drive towards suburban expansion.


Social ecology and technological functionalism

However drawing connections between industrialisation, technology and urbanisation needs to be performed with care. There are particular difficulties in asserting a monodirectional, causal connection between the development of productive forces and urban growth. The explanation of deconcentration as a function of commuter railways and later the automobile, which promoted the separation of residence from workplaces and shops, rests implicitly on an argument that ‘technology generates dispersal’. This relies on a functionalism and technological determinism that Mark Gottdiener identifies as characteristic of the highly influential 'ecological' strand of thought in urban studies. Urban ecologists identify the city as a living organism which develops and changes in order to accommodate its functional requirements. This perspective came to dominate mainstream approaches to urban studies throughout the twentieth century until it was challenged by Marxist and other critical approaches to the city in the 1960s and 1970s. Gottdiener points out the flaws of reducing suburbanisation to a function of technology. Among other things, it ignores crucial factors such as the articulation of an interventionist state and real estate investment, state subsidisation (particularly through the taxation system) and ideological commitments to the controlled 'open space' of the suburban 'plot'.

Alistair Greig urges a similar caution in his historical analysis of the housing sector in post-war Australia. He disputes the utility of a narrow, productivist connotation of Fordism as a means of explaining developments in a sector which was remarkably resistant to technical innovations and the adoption of mass production techniques.

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13 Gottdiener's book is one of the first serious attempts to deploy Lefebvre's production of space perspective to explain the spatial morphology and social relations of urban space.

14 As such, an economically reductionist interpretation of the Fordist regime of accumulation has proved rather fruitless as an explanatory device for studying the history and sociology of the built environment in Australia. See Greig A (1995) *Housing and social theory: testing the Fordist models (or social theory and affordable housing)*, Urban Research Program working paper no.45, Research School of Social Sciences, ANU, Canberra, at pp3-17; Greig
Despite the early modernist confidence in the inevitability of technological rationalisations revolutionising the construction sector, the high proportion of small building firms and owner-builders throughout the 1950s and 1960s militated strongly against the adoption of Fordist production-line techniques such as standardisation and prefabrication in housing production.\textsuperscript{15} While modernist architectural theory optimistically argued for the capacities of technology to forge new spatial forms abstracted from other social relations in a given contingency, it has not been particularly helpful in analysing the development of Australian urbanisation.\textsuperscript{16} Consequently, Greig argues that explanations of the relationship between developments in housing and the post-war suburbanisation of Australia need to "avoid unilinear, teleological and universal readings of technological change".\textsuperscript{17}

In some passages, Lefebvre appears to emphatically endorse a link between industrialisation and urbanisation. For him, the development of industrial production and the corresponding evolution of transport and communication technologies are prerequisites of a generalised urbanisation.\textsuperscript{18} In fact he goes as far as to explain urbanised environments as held together and saturated by flows of energy that subsist beneath the appearance of structural solidity and detachment. The house emerges as analogous to "an active body",

permeated from every direction by streams of energy which run in and out of it by every imaginable route: water, gas, electricity, telephone lines, radio and television signals … Its image of immobility would then be replaced by an image of a complex of mobilities, a nexus of in and out conduits.\textsuperscript{19}

Similar comparisons may be made of whole streets and cities which are effectively "constantly burning, blazing bonfires".\textsuperscript{20} But even more than the impossibility of

\begin{thebibliography}{99}
\bibitem{16} See for example Gropius W (nd) \textit{The new architecture and the Bauhaus}, Faber and Faber, London.
\bibitem{17} Greig A (1995) \textit{Housing and social theory}, see note 14, at p24.
\bibitem{20} \textit{ibid}.
\end{thebibliography}
considering industrialisation and urbanisation separately, Lefebvre perceives in the latter, "the meaning, goal and finality of industrialisation."\textsuperscript{21}

The urban contains the meaning of industrial production as appropriation contains the sense of \textit{technical domination over nature}, the latter becoming absurd without the former.\textsuperscript{22}

However he is also aware of the dangers inherent in simply \textit{reducing} urban form to the requirements of productive or technological functions. For him, urbanisation and its horizontal suburban explosion are not organic or evolutionary products of industrial production, and in \textit{The right to the city} he explicitly dismisses urban ecology and all other organicist, evolutionist and continuist approaches to urban development.\textsuperscript{23} The growth of deconcentrated forms of urban settlement cannot simply be explained as the product of technological innovations or as an organic response to the internal functional requirements of industrialised societies as this avoids confronting the social relations which determine the deployments of such technologies. While demonstrating an empirical obsession with spatial relations, urban ecology is unable to explain functional and systemic urban requirements in terms of their social production.

By contrast, Lefebvre argues that understanding the relationship between industrialisation, technology and suburbia requires an analysis of the social relations characterising urban life. Accordingly, this means returning to a definition of the ‘urban’, which he defines in terms of two crucial dimensions: use and simultaneity. Firstly, for Lefebvre there is an implicit relationship between the urban, \textit{use value} and the social relations arising from the creative production of space as \textit{oeuvre}. "Exchange value and the generalization of commodities by industrialization tend to destroy" and subordinate use value.\textsuperscript{24} Secondly, the urban cannot be reduced to either a material morphology or a mental construction.

\textsuperscript{21} Lefebvre H (1996) ‘The right to the city’, see note 18, at p164.
\textsuperscript{22} \textit{ibid.}, at p131.
\textsuperscript{23} \textit{ibid.}, at p104.
\textsuperscript{24} \textit{ibid.}, at p67.
It is a mental and social form, that of simultaneity, of gathering, of convergence, of encounter (or rather encounters). It is a quality born from quantities (spaces, objects, products). It is a difference or rather an ensemble of differences.\(^{25}\)

Hence, urban society is built on the intensification of simultaneity, the expansion of "the capacities for encounter and assembly"\(^{26}\) and the now quasi-instantaneous speeds of communications technology. It is also a spatial form in which dispersion to the peripheries increases as the division of labour encourages the segregation of social groups. This apparent contradiction can only be comprehended by appreciating that the diffusion of information circuits, matter and bodies flow from a centre. If dispersal and separation are understood without reference to the form of simultaneity, then they will be accepted as empirically given appearances and unquestioningly "confirmed as facts".\(^{27}\)

Both these aspects of the urban: use and simultaneity, are persistent and continue to place limits on the apparent "explosion" of the traditional city. This means an explanation of the process of suburbanisation requires something more than an intellectual association with the inexorable "complexification of society", represented by a "multiplicity of connections, communications and information".\(^{28}\) For Lefebvre, this is to focus on a quantitative measure of *exchanges* and thereby miss the qualitative difference between use value and exchange value.

If one wants to go beyond the market, the law of exchange value, money and profit, is it not necessary to define the place of this possibility: urban society, the city as use value?\(^{29}\)

*Suburbanisation, everyday life and spatial practice*

On this analysis, the relationship between suburbanisation and the development of industrial and technological forces of production is marked by the dialectical tensions between centrality and dispersal, and between use values and the increasing dominance of the commodity over everyday life. In Lefebvre’s terms, it is a relationship mediated

\(^{25}\) *ibid.*, at p131.

\(^{26}\) *ibid*.

\(^{27}\) *ibid.*, at p138.

\(^{28}\) *ibid.*, at p123.

\(^{29}\) *ibid.*, at p124.
by a spatial practice, embodying the habits, rituals, transport and communication networks that structure daily routines. The spatial practice of contemporary suburbia requires both a certain form of ordering of living arrangements (for example, the detached house or the housing estate), and the resources and infrastructure necessary for the social functions of residential dispersal (water, sewerage and waste disposal, electricity, gas, transport, communications and other exchange networks). This practice contains tendencies that are directed towards the decentring and dissolution of the city. As inhabitants become detached from territory, Lefebvre argues the concept of the neighbourhood ceases to have any meaning.

(P)eople (the ‘inhabitants’) move about in a space which tends towards a geometric isotopy, full of instructions and signals, where qualitative differences of places and moments no longer matter.\(^{30}\)

With the benefit of hindsight, it is possible to dispute Lefebvre’s claims here about the disappearance of ‘neighbourhood’ as a meaningful concept. It can be argued that in the three decades that have elapsed since he wrote The right to the city, the meaning of neighbourhood has changed as the spatial configurations of urban life have altered. While the self-sufficiency and apparently ‘organic’ social relationships that characterised the traditional neighbourhood are hard to find in contemporary Australian cities, new forms of neighbourhood have emerged to take their place.\(^{31}\) In fact much local political and civic activity is motivated by a desire to defend the values of existing neighbourhoods. This can be observed in groups such as Save Our Suburbs which are opposed to forced rezoning and overdevelopment, and in the opposition of privileged and exclusive neighbourhoods to the subsidisation of disadvantaged areas.\(^{32}\)

\(^{30}\) *ibid.*, at p128.

\(^{31}\) Patrick Mullins explains the rise of the "suburban community" as the result of the internationalisation of capital that took place in the post-war period: Mullins P (1981b) 'Theoretical perspectives on Australian urbanisation: II social components in the reproduction of Australian labour power', *Australian and New Zealand Journal of Sociology*, 17(3): 35-43, at p37. This form of neighbourhood replaced the “occupational community” and the earlier “urban peasantry” which corresponded to earlier stages of capitalist development in Australia. The suburban community is characterised by an orientation towards the mass, bureaucratised consumption of 'durables' and the commodification of domestic productive activities (at pp39-40). See also Greig A (1995) *The stuff dreams are made of*, see note 14, at pp23-5.

example is the continuing strength of locally focused surveillance and crime control strategies such as Neighbourhood Watch.\textsuperscript{33} However the ongoing relevance of the neighbourhood as a cultural and political concept does not diminish the force of Lefebvre’s emphasis on the material effects of the production of suburban space. Transport requirements and the constraints of traffic are particularly important in this subsumption of urban social relations into a fragmented suburban ‘fabric’. Lefebvre sees transport planning as part of an historical process of commodification of social life by the products of industrialisation. One of the last barriers to commodification - the city - is subordinated to a strategic assault by "the car - the current pilot-object in the world of commodities."\textsuperscript{34}

As described in chapter two, it is somewhat paradoxical that the 'leisure industry' fails to provide a palliative reinstatement of use value in daily life. In fact, it actively contributes to these attacks on the city, through its active separation of everyday life and the festival. While the city was once "occupied by productive labour, by \textit{oeuvres}, and by festivities,"\textsuperscript{35} now the urban is approximated as a space of encounter only through recreations of the \textit{fête} in state-sponsored spectacles.\textsuperscript{36} Leisure attractions such as these do not rupture the quantified space of suburbia, but continue a logic through which the city centre is preserved as the site of spectacle and consumption, while housing remains relegated to the suburban peripheries. Generalised suburbanisation does not completely extinguish the urban,\textsuperscript{37} but the most common form in which the state has attempted to reassert it has involved policies aimed at \textit{urban consolidation}. Emerging from recent technical and bureaucratic rejections of 'urban sprawl' and environmental concerns about efficient forms of energy consumption in large cities, state policies of urban consolidation have been suggested as a technical solution to the problem of expanding cities. However, a significant body of literature within Australian urban studies has

\textsuperscript{34} Lefebvre H (1996) ‘The right to the city’, see note 18, at p167.
\textsuperscript{35} \textit{ibid.}, at p168.
\textsuperscript{36} Key examples from recent Queensland history include the Brisbane World EXPO (1988), the Goodwill Games (2001) and the recently completed (and publicly-funded) Lang Park Stadium redevelopment.
\textsuperscript{37} at p120.
criticised the value of such policies. It is not possible to adequately deal with this debate here, but it reveals the limited capacity of partial and technical planning solutions acting at the level of exchange, to solve urban problems. In the absence of a widespread appropriation of urban use values, urban consolidation works to heighten the separation and fragmentation of the centre from the periphery.

In summary, rather than explaining suburbanisation as a consequence of organic urban needs or as the product of technological innovation, it is argued here that it must be seen as part of a larger productive process: one which not only generates tendencies towards deconcentration, but produces social space itself. This requires us to connect the physical, ideological and structural dimensions of the development of suburbia. So far, we have seen how one element of Lefebvre's spatial triad - spatial practice - can be deployed to understand the relationship between industrialisation and urbanisation. This has shown how suburbia manifests the spatial practice of the abstract space that characterises contemporary capitalism. In the next section I will explore the role played by ideological representations of space in the construction of Australian suburbia.

4. Suburban ideology, social relations and the politics of deconcentration

Several mutually reinforcing intellectual movements have played roles in the moulding of perspectives on suburban life and together, these intellectual justifications have provided the preconditions for the strength of the suburban ideal in Australia. Each of these currents added their own rhetoric to pre-existing ideological attachments, such as the mythical dimensions of the bush in discourses about the early colonial era. The development of suburban planning in Australia was historically rooted in nineteenth and early twentieth century movements concerned with the rectification of the perceived

social ills of densely populated urban centres. Oren Yiftachel describes the variety of attempts to resolve these questions in terms of a *prescriptive debate* over the nature of the “good city”.39 Utilitarians, sanitarians, social progressives and members of the Garden City and City Beautiful movements were all concerned with the question of how to design urban spaces which promoted health and vitality, and eliminated vice and disease. The values underlying the new 'science' of town planning were also partly influenced by an idealism, which proposed spatial solutions to the social problems of vice, disease and public squalor. The linking of medicine and morality with forms of spatial determinism was influential in the first generation of uniform regulations for building, health and safety and local planning.40

The large-scale organisation and growth of Australian cities did not take place until after the second world war, but the orientation towards a deconcentrated form of settlement space has its origins in the objectives and intellectual concerns of planning reformers of this earlier period. Understanding their preoccupations at the beginning of the twentieth century can help to explain the connections between progressive social reform, the management of urban populations and dominant ideas of spatial design. Graeme Davison identifies the influence of ideological formations such as religious evangelism in the social construction of the virtue of home life.41 Likewise, a certain romantic idealism depicted the suburb as an island of rural tranquility where “the man of business” could retreat from the city bustle and “approach the simplicity of nature”.42 It is arguable that this romanticism can be seen in the ‘Garden City’ movement and its

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40 Note the arguments against overcrowding and congestion in at least two early commissions of inquiry into urban improvement and housing: *Royal Commission for the Improvement of Sydney and its Suburbs* (1909) and the *Royal Commission on the Housing of the People of the Metropolis* (1917). For a discussion of the influence of ideas about the connection between spatial design and racial health, identity and efficiency in the writings of early planners such as R F Irvine and John Sulman see: Hoskins I (1994) ‘Constructing time and space in the garden suburb’, in Ferber S, Healy V and McAuliffe C (eds) *Beasts of suburbia: reinterpretning cultures in Australian suburbs*, Melbourne University Press, Melbourne, pp1-17 at pp4-5; Davison G (1993) ‘The past and future of the Australian suburb’, see note 8, at pp14-16.


42 *ibid.*, at p3 (quoting J C Loudon). Davison refers to Loudon as “the father of the modern suburb”.
widespread influence throughout Britain, its colonies and the USA. The assertion of the values of the garden suburb became a crucial ideological template for the suburban forms which were adopted in Australian cities, but also provided a backdrop for intellectual reactions against suburbia that dominated Australian cultural criticism throughout the twentieth century.

_Australian critics of suburbia I: the rejection of the bush myth_

The romantic extolling of a partial 'retreat to nature' through the suburban plot, was buttressed by an attachment to the bush myth and the possibility of recreating a rural idyll within the city. However, this bush connection has also been one of the sources of the rejection of the suburbs within Australian cultural criticism. For these objectors, the suburban retreat to the bush marks the corruption of the enlightenment values embodied in urban ‘civilisation’. The suburb has thereby been associated with a collective turning of the back on the urb: the centre of culture. This claim is most forcefully made in the almost visceral denigrations of the outer suburbs as 'other'. Michael Symonds situates western Sydney's place in this discourse in terms of Hegel's narration of the tale of _Antigone_. In Hegel's reading, the home is a mini-cosmos of particularity and the site of natural or divine law which is juxtaposed with the secular, universal human law of the city centre. A necessary part of the formation of the modern subject involves its disenchantment with nature and a move towards the centre. But within this myth, there is always the possibility of a 'return home' to an “enchanted history of nature”. However, the outer suburbs (and Sydney's west in the particular analysis) seem beyond

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44 Paradoxically though, there is also a strong sense in which the quietude of suburbia is perceived as a corruption of the the pioneering spirit present in the 'bush legend'.

45 For an accessible sociological account of the multiple ways in which western Sydney has been maligned see Powell D (1993) _Out west: perceptions of Sydney's western suburbs_, Allen & Unwin, St Leonards.

this dialectic - spaces “where modern subjectivity is denied”.\textsuperscript{47} Containing nothing to disenchant, they are incapable of constituting a true home. Through a process of self-formation, the centre has worked tirelessly to turn its back on the harsh, barren, anti-subject interior of the western suburbs.

The image of the western suburbs as a cultural wasteland is the very past Sydney had to expel in order to establish its reputation as a city centre. In this sense, the western suburbs become Sydney's historical waste.\textsuperscript{48}

While nature reappears in the city, in romanticised aesthetic forms such as native gardens and commodified Aboriginal culture, the outer suburbs "function as a much-mocked reminder of what has been left behind".\textsuperscript{49} Lefebvre approaches this question through a more explicit characterisation of the interaction between city centre and outer suburbia, which moves beyond the methodological presumptions of the dialectic in both Hegel and Marx. As noted in chapter three, Lefebvre inverts their temporal conceptualisation of the dialectic through an analysis of the \textit{contradictions of space}. Our understanding of the city requires an attention to the "spatial contradictions which imply and explain contradictions in historical time … without being reducible to them".\textsuperscript{50} The relationship between centre and periphery should not be seen as the product of an inevitable, evolutionary development, but as logically and strategically generated by struggles over the production of space.

Looking at suburbia through this Lefebvrean lens reveals that it is not a simple matter to bracket the suburbs outside the urban. The city may have appeared to have exploded, but this is accompanied by a corresponding urbanisation of the periphery. So suburbia never truly escapes the urban.\textsuperscript{51} Therefore the geographical associations which have often been made between suburbia and the bush have always been more symbolic than real. They mask a deeper fear of the intellectual and cultural wasteland that lies outside the inner city. Humphrey McQueen explains this fear in the following terms:

Contemporary Australia is significant neither for its empty outback, nor for the

\textsuperscript{47} \textit{ibid.}, at pp84-5.
\textsuperscript{48} \textit{ibid.}, at p88.
\textsuperscript{49} \textit{ibid.}, at p90.
\textsuperscript{50} Lefebvre H (1991) \textit{The production of space}, see note 19 at p331.
\textsuperscript{51} Lefebvre H (1996) ‘The right to the city’, see note 18, at p79.
concentration of its population in capital cities, nor for suburban living. More distinctive is the importance that suburbia occupies in the national mentality, where it is at once enshrined as the ideal way of life and mocked as the enemy of culture and innovation. If city life seemed dull, the suburbs were perceived as irredeemably flat so that 'suburban' defined not just a place to live, but also a refusal to think, or to feel.\textsuperscript{52}

This leads us to a wider set of intellectual rejections of the suburban ideal based on its association with the entrenchment and solidification of a characteristically bourgeois lifestyle.

\textit{Australian critics of suburbia II: "the suburban home is a blasphemy"}

The success of the suburban ideal in popular consciousness cannot be isolated from its position as an escape route from working class neighbourhoods and social status. It perhaps largely explains the depth and resilience of a middle-class identity in Australian cultural life.\textsuperscript{53} This link with ‘bourgeoisification’ has enlivened much of the anti-suburbanism which characterised Australian radicalism from the turn of the twentieth century. An example of the early socialist critique of the suburban ideal can be seen in Louis Esson’s urgings against the deradicalising and conservative effects of the culture of individual home ownership on the Australian working class. "The suburban home must be destroyed" proclaims the protagonist of Esson's 1912 play \textit{The time is not yet ripe}.

\begin{quote}
It stands for all that is dull and cowardly and depressing in modern life. It endeavours to eliminate the element of danger in human affairs. But without dangers there can be no joy, no ecstasy, no spiritual adventures. The suburban home is a blasphemy.\textsuperscript{54}
\end{quote}

Five decades later it was not just socialists who expressed abhorrence for suburbia. Anti-suburbanism had become entrenched as an obligatory motif for a majority of Australian cultural commentators. One of the sharpest denunciations of the banality, anti-intellectualism and narrow personal self-interest supposedly fostered by the

\begin{footnotesize}
\textsuperscript{52} McQueen, H (1988) \textit{Suburbs of the sacred}, see note 2, at pp36-9.


\textsuperscript{54} Esson L (1973) \textit{The time is not yet ripe}, Methuen, Sydney, at p73 (quoted in Rowse T (1978) ‘Heaven and a hills hoist’, see note 4, at p5).
\end{footnotesize}
suburban plot is provided by Allan Ashbolt’s classic ‘Godzone’ piece. He identifies in the “mechanised pagan chorus” of synchronised weekend lawn mowing, all the limitations and narrow acquisitiveness of everyday Australian life.

Behold the man – the Australian man of today – on Sunday mornings in the suburbs, when the high-decibel drone of the motor mower is calling the faithful to worship. A block of land, a brick veneer, and the motor mower beside him in the wilderness - what more does he want to sustain him, except a Holden to polish, a beer with the boys, marital sex on Saturday nights …\textsuperscript{55}

However, from Rowse’s account, it is clear that Ashbolt’s negativity is not entirely representative of post-war social critique in Australia. The 1950s and 60s marked the emergence of a certain ironic (if not grudging) acceptance of the deconcentrated spatial form. Architects such as Robin Boyd\textsuperscript{56} and liberal intellectuals such as Donald Horne\textsuperscript{57} began to voice an ambivalent acknowledgment of the ‘reality’ of suburban life which subdued the critical edge of previous criticism. Boyd despised the intrusion of \textit{featurism}\textsuperscript{58} into everyday life and the rampant deployment of ornamentation in the typical post-war suburban home. In this he observed a deliberate artificiality and a concerted avoidance of important questions about the design of human environments.\textsuperscript{59} However even Boyd implicitly accepted the essentially suburban character of the Australian ‘way-of-life’.

\textsuperscript{55} Ashbolt A (1965) ‘Godzone 3: myth and reality’ \textit{Meanjin}, 25(4): 373-88. This might substitute as a version of modern Australian suburban spatial practice for Lefebvre's 'high-rise' example (see Lefebvre H (1991) \textit{The production of space}, see note 19, at p38). Also see chapter three at p74. However in recent years the prime position occupied by the Victa lawn mower has been challenged by the introduction of accoutrements such as the ‘whipper-sniffer’ and (a personal favourite) the leaf-blower. Nowadays the ritual is not confined to Sundays!

\textsuperscript{56} Boyd R (1968) \textit{Australia's home}, Penguin, Harmondsworth; Boyd R (1972) \textit{The Australian ugliness}, see note 6.

\textsuperscript{57} Horne D (1971) \textit{The lucky country}, see note 6.

\textsuperscript{58} Boyd defines featurism as “the subordination of the essential whole and the accentuation of selected separate parts.” Boyd R (1972) \textit{The Australian ugliness}, see note 6, at p23 and p232.

\textsuperscript{59} \textit{ibid.}, at pp163-4 and p251 The incessant drive to beautify through ornament and feature is one example of what has already been discussed in chapter three as the \textit{logic of visualisation}. Despite his generally caustic approach to Australians and Australian life, it might be possible to assert that, like Lefebvre, Boyd regarded the good design of cities and houses as intrinsically bound up with less alienated forms of social life.
Coming to terms with the pervasiveness of suburbia was a prerequisite for perhaps the best-known example of Australian satirical critique through the 1960s and 70s. The comic work of Barry Humphries in the form of his alter egos - Edna Everage and Sandy Stone - was premised on a knowing and almost sentimental attachment to suburban innocence. However this operates as a veneer disguising Humphries’ mocking elitism, every bit as scathing as Ashbolt's prose.\(^{60}\) Rowse and McQueen have both commented on the role of irony and satire as a means for intellectuals to recognise an Australia identity in suburbia without avoiding the need to commit to its supposed cultural philistinism.\(^{61}\)

*Australian critics of suburbia III: gender relations and abjection in suburbia*

Another vein that runs through much Australian cultural criticism on suburbia, is a rejection of the world of private security and respectability, which this spatial form is perceived to impose on an otherwise vibrant national spirit. Hoskins describes many of these writers as forming part of a long tradition “of primarily masculinist, anti-domestic, 'anti-respectability' jeremiads”,\(^ {62}\) who saw in suburbia a retreat from working class radicalism into middle-class conformity. At work here is a particular vision of masculinity, engaged in a war against its taming and destruction by claustrophobic domesticity and confinement to the suburban plot. These writers employ a crude variant of the public-private divide, in identifying the private world of suburbia with the feminine. Humphrey McQueen observes in this a return to the

original 'Australian Legend' created by city-based writers who conceived of 'the bush' as a way of escaping - in their minds at least - from their domestic constraints. Anti-suburbanism had its sources in those same male desires.\(^ {63}\)

An often-noted example is the rage against respectability expressed by David Meredith, the narrator of George Johnston's *My brother Jack*. His anger at the cultural barrenness

\(^{60}\) For a critique of the ‘philosophy’ behind Humphries’ satire see McGregor C (1968) *People, politics and pop: Australians in the 60s*, see note 6, at pp32-40.


\(^{63}\) McQueen H (1988) *Suburbs of the sacred*, see note 2, at pp36-7.
of suburbia is driven by a misogynist attribution of blame on the women in his life for his own feelings of entrapment within the suburban ‘estate’.  

Joan Kirkby shows how these gendered associations of suburbia have continued to feature in a number of examples of Australian fiction, which push the demonisation of suburbia and the everyday to new limits. In the novels of David Ireland and in one of the most celebrated, recent examples of 'grunge literature': Christos Tsiolkas’ *Loaded*, there is a displacement of class antagonisms into the arena of sexual and gender politics. Using Kristeva's terminology, Kirkby interprets these writers as rendering a state of suburban 'abjection' in which alienated characters refuse “subjectivity in favour of the oblivion of narcissism and prolonged infancy”. Kirkby juxta poses Kristeva's portrayal of ‘the abject’ with Lefebvre's broad depiction of the alienation of everyday life. While emphasising the privation which an alienating individualism introduces to modern life, Lefebvre goes further in quoting from Marx's *Economic and philosophical manuscripts*.

(The worker) feels that he (sic) is acting freely only in his animal functions - eating, drinking, and procreating, or at most in his dwelling and adornment - while in his human functions he is nothing more than an animal. It is true that eating, drinking and procreating, etc., are also genuine human functions. However, when abstracted from our other aspects of human activity and turned

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Suburbia's contribution to the abstraction of bodily functions is one of the more obvious manifestations of the fragmentation of the body under abstract space. As a region demarcated for the expression of biological reproductive impulses or “genitality”, the suburban home is also a target for Lefebvre's critique. However he does not retreat into the absolute acceptance of alienation that is presupposed in much ‘grunge’ fiction. His theory of moments and assertion of the possibility of the appropriation of differential space stave off the darkly pessimistic outlook of these writers. For Lefebvre, cultural interventions which make “the rejection of everyday life - of work, of happiness - a mass phenomenon”, can only produce a deeply reactionary political apathy.

The defence of suburbia
At the beginning of the 1970s, Hugh Stretton inaugurated a shift away from the negativity of these forms of critique to a more conscious appreciation of suburban Australia. Rowse describes the impact of Stretton's argument as marking the rebirth of the "the suburban home … as a crucible of a more humane civilisation". In a number of key works he presented a social-democratic case for the detached house and garden against both 'expert' attempts to enforce urban consolidation and the orthodox left’s hostilities to private ownership and individual self-development.

You don't have to be a mindless conformist to choose suburban life. Most of the best poets and painters and inventors and protestors choose it too. It reconciles access to work and city with private, adaptable, self-expressive living space at

71 Rowse T (1978) 'Heaven and a hills hoist', see note 4, at p5. It should also be acknowledged that from the mid-1960s onwards, Craig McGregor has consistently defended suburban forms of living in the face of its critics. See McGregor C (1966) Profile of Australia, see note 1, at pp125-6; McGregor C (1968) Politics, people and pop: Australians in the ‘60s, see note 6, at pp45-53.
In common with the critics of suburbia, Stretton identified the need for a greater diversity of cultures and uses within Australian cities, but argued this could be best obtained through the detached suburban house and garden. He passionately defended this spatial form as facilitating self-expression and the flourishing of a diverse range of use values. The cliches of monotony and stultifying rigidity did not have their basis in suburban spatial relations, but in the empty aspirations of suburban inhabitants. These exist equally (or even more strongly) in country towns or high-rise apartments. He particularly singled out many of the arguments for denser cities within urban studies as biased in favour of interactions with strangers over relations within stable communities.

The 'strange encounter' cult has been rightly ridiculed in its sexual manifestations, only to reappear in a more general form in the writings of those who use cities as rich consumers' playgrounds. The eternal hope that new faces will bring new revelations does sometimes deserve to be understood as a Casanova complex …

Stretton did not defend urban sprawl per se, but he saw a need to plan for the development of new urban centres with less rigid forms of zoning, in order to encourage a diversity of uses and a greater cultural mix. This would be preferable to forcing increasing density on the old centres such as Sydney and Melbourne. In a direct rebuff to the ecological credentials of urban consolidation, he asserted that it was in private suburban plots that environmental values would most successfully thrive. While accepting the case for retaining and enhancing existing social networks in older inner city areas as advocated by writers such as Jane Jacobs, such prescriptions would be of no assistance in planning the low-density suburbs that already characterised most Australian cities by the 1970s.

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74 ibid., at p10.
75 ibid., at p18.
At the time he was writing, Stretton’s position had a marginal status, but over time, his embrace of suburbia has paved the way for a ‘new wave’ of Australian cultural studies that sees the possibilities of suburban life in a much more positive light. Its influence can be seen in feminist arguments about the need to incorporate questions of gender and children's rights in planning as well as more recent celebrations of suburban popular culture. Representations of suburbia are now commonplace in Australian fiction, and much of the output of this country's cinema industry in the last decade has been based around a suburban setting. Close attention to a suburban aesthetic appears to have become an obligatory aspect of film-makers' attempts to produce visual representations of a 'real Australia'.

McQueen suggests the embrace of suburbia has


80 It is not possible here to adequately discuss the differences between those films which employ a deliberately ‘quirky’ suburbanism as a comic device and those which utilise suburbia as a visual means to generate a social realist aesthetic. A cross-section of Australian films which consciously deal with suburban themes includes: 2000 Weeks (1969) Burstall T (dir); Don's Party (1976) Beresford B (dir); The FJ Holden (1977), Thornhill M (dir); Newsfront (1977), Noyce P (dir); Silver City (1984), Turkiewicz S (dir); Fran (1985), Hambly G (dir); Sweetie (1989), Campion J (dir); Return Home (1990), Argall R (dir); Death in Brunswick (1991), Ruane J (dir); Muriel's Wedding (1994), Hogan P (dir); Idiot Box (1996), Caesar D (dir); The Boys (1997), Woods R (dir); The Castle (1997), Sitch R (dir); Erskineville Kings (1999), White A (dir); Two Hands (1999), Jordon G (dir); Praise (1998), Curran J (dir).
had an effect on the targets of both political activism and scholarship, which (by utilising the theories of Sartre, Barthes and Foucault) have become redirected away from the forces of production and onto systems of marketing and consumption. After the proletariat had failed to perform its historic task…radicals switched to liberating the consumer from the oppressions of everyday life.\textsuperscript{81}

\textit{Suburbia and abstract space: the rise of 'habitat'}

Lefebvre’s work allows us to understand the historical significance of this shift in terms of an historical process extending back much further than the post-1968 redefinition of alienation. From the late nineteenth century, ‘progressive’ planning movements had asserted the values of home-ownership and suburban estates as moralising forces, by involving the working class in a hierarchy outside the world of production. In other words, the historical production of suburbia has been connected to the development of the dimensions of everyday life, and industrialised societies are now increasingly oriented “ideologically and practically” away from narrow forms of production and towards everyday life and consumption.\textsuperscript{82} To understand the ideological associations surrounding suburbia, it is necessary to acknowledge their historical prerequisites. In particular Lefebvre situates the rise of suburbanism in the context of a discursive shift in the late nineteenth century from the concept of \textit{inhabit} to that of \textit{habitat}.

‘To inhabit’ involves a participation in community life and the right to use urban space, while ‘habitat’ signifies the isolation of a particular function detached from the complex social totality of the city.\textsuperscript{83} The suburbs developed partially in response to the growth of industrialisation but also increasingly under the sway of an anti-urban ideology that we have identified amongst the early planning reform movement. At the end of the second world war, the 'housing crisis' crystallised the concept of habitat into a purer and more strategic form. The bureaucratic state imposed this form of living through both public housing programmes and planning for large-scale suburban housing estates.

\textsuperscript{81} “Alienation became an account of personal loneliness, no longer the outcome of capitalist exploitation. Reformers filled their programmes with items such as reduced class sizes, abortion on demand, craft centres and bicycle paths; the unifying elements of such demands was the need to deal with life as most people experienced it.” McQueen, H (1988) \textit{Suburbs of the sacred: transforming Australian beliefs and values}, see note 2, at p39.

\textsuperscript{82} Lefebvre H (1996) ‘The right to the city’, see note 18, at p77.

\textsuperscript{83} \textit{ibid.}, at pp76-7.
Another discursive casualty of the movement from inhabit to habitat, was the idea of *residence*. It was replaced by the functional abstraction - *housing*, which even entered the vocabulary of the reformist left as a dimension of the social wage. At the ascendant point of the classical phase of capitalism (the *belle epoque*) - *housing* began to take on a meaning, along with its corollaries - minimal living space, as quantified in terms of modular units and speed of access; likewise minimal facilities and a programmed environment. What was actually being defined here … was the lowest possible *threshold of tolerability*.86

By the middle of the twentieth century, this process had produced suburban houses and 'new towns', and marked a shift to a new bare minimum defined in terms of the “lowest possible *threshold of sociability* - the point beyond which survival would be impossible because all social life would have disappeared”.87 The housing sector and the logic of the habitat were the generators of a “(partial) system of significations”88 which gave rise to an increasingly influential ideology of ‘the plot’.

As we shall observe in the next chapter, the operational practice of spatial planners has intensified and strengthened this ideological formation. The state's administration of space through planning practice has depended on a particular body of *representations of space*. These derive primarily from the intellectual strategy of dividing space into fragments and imposing the homogeneity of a zoning scheme on the land. The Cartesian rationality implicit in this process conflates zoning with the "rational capacity to discriminate" and obscures a particular "moral and political order".89 Lefebvre recognises the ideological conflict between different forms of housing - particularly that between the garden plot and social housing estates – but argues that a moral and political dominance has been achieved by those significations that attach to 'the plot'.90 The values associated with the social form of the detached suburban house have become embedded in the popular consciousness as the "reference point" by which all other

87 *ibid*.
forms of housing can be measured. Working in tandem, the boundaries between people imposed by zoning and the logic of owner-occupation demonstrate how urban space remains in thrall to a global strategy of abstract space.

(B)oundaries … separated zones where people were supposed to be reduced to their 'simplest expression' and to their 'lowest common denominator' … As a matter of fact ‘boundaries’ is too weak a word here, and it obscures the essential point; it would be more accurate to speak of fracture lines revealing the true - invisible yet highly irregular - contours of 'real' social space lying beneath its homogeneous surface.

Alongside the explicit ideological representations that link suburbia with the establishment of abstract space, an association also exists between the suburban home and the development of the bureaucratic society of controlled consumption. Lefebvre depicts the middle class as "find(ing) what they seek" and "tak(ing) up residence" in an abstract space which is "the locus of all the agitations and disputations of mimesis: of fashion, sport, art, advertising, and sexuality transformed into ideology." In analysing how representations of space have helped to structure suburbia, Lefebvre relies on more than an abstract semiology. Everyday suburban life cannot be understood as simply a collection of ideological representations. "The fetishization of the formal signifier-signified relationship … (which) passively accepts the ideology of organised consumption" can only be countered by an approach linking the significations of abstract space to a spatial practice.

It is through this connection that we can begin to understand the artificiality of the dichotomy between anti-suburbanism in Australian cultural criticism, and the empiricist and idealist defence of it offered by Stretton. Both are limited by their partiality. Suburbia does indeed embody the colonising forces of abstract space, through the fragmentation introduced by zoning, the homogeneity of housing design and the hierarchies fostered by private land ownership. Likewise, it is in everyday life in the

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91 ibid., at p113.
93 ibid., at p317.
94 ibid., at p309.
suburban plot that people can momentarily recuperate the elements of a world outside the requirements of production. Lefebvre might agree with Stretton on the importance of a generalised urbanisation – a proliferation of centres within the peripheries. But he also wants to transcend reductive categorisations such as the separation between the public or political sphere and the private or domestic realms of the city.\textsuperscript{96} Without a challenge to the dominant tendencies of abstract space, it is difficult to see how the kind of stable and just communities envisaged by Stretton could ever emerge from the privatised space of Australian suburbia.

One of the problems with Stretton’s argument is its uncritical and a priori acceptance of suburban space through an appropriation of various stagnant elements of pre-modernity. These conjure up nostalgic, folk-historic and obsessive qualities surrounding the notion of dwelling. Similar forms of nostalgic aura directed towards the house as the site of a retrieval of an absolute space of quiet reflection have already been noted in the works of Bachelard and Heidegger.\textsuperscript{97} This aura works its way through into "the plane" of \textit{representational spaces} and even "suffus(es) the works of its critics".\textsuperscript{98} It has obscured the effects of modernity on space\textsuperscript{99} and indeed, the means by which the abstract space colonises everyday life.

The analysis I have presented here attempts to straddle the tensions between the ideological positions on suburbia canvassed here. Lefebvre’s production of space perspective is on one hand as deeply critical of suburban life as any of the Australian critics covered above. Conversely, his interest in the possibilities of everyday life enables him to envisage the recuperation of use values that Stretton hints at in his defence of suburbia. But the resistance within everyday life against colonisation by the commodity must reckon with more than simply a body of ideological representations.


\textsuperscript{98} Lefebvre H (1991) \textit{The production of space}, see note 19, at p121.

\textsuperscript{99} \textit{ibid.}, at pp120-1.
The foregoing discussion has highlighted the importance of understanding the simultaneous presence of these representations of space, spatial practices and the reified, 'absolute' forms of representational spaces in any understanding of suburban life. It is important to keep in mind the European context of Lefebvre's potted history of city development, but his description of the emergence of suburbia has strong resonances with the Australian case. In particular, the concept of habitat will be helpful in chapter six in understanding the bureaucratic rationality that has guided planning thought throughout the twentieth century. Next I will investigate the third major influence on the production of suburbia - the active intervention of the state.

5. The state and suburbia

To this point I have described the suburban plot in terms of both its technological and industrial requirements and the contested ideological landscape from which thinking about the suburbs has emerged. But both these elements have been harnessed by a particular social agent, whose interventions have themselves been attributed a certain causal power in the development of Australian suburbia. That agent is the state, and much attention within Australian urban sociology has centred on the relative causal weight that can be attached its role in ‘engineering’ this residential spatial formation. In Lefebvre’s writing too, the state also occupies a primary role in the production of social space and the regulation of industrialised cities. For him, it is largely through the operation of planning policies and regulatory regimes that ascendant technologies and particular ideological conceptions of space have been deployed in the construction of new spatial forms. Using Lefebvre’s terminology, the development of Australian suburbia can be understood as the result of an interaction between technological and material preconditions, with a body of representations of space - strategically utilised by state planning and regulatory institutions. In the next chapter it will be argued that urban planning has been the chief conduit by which the state has combined and deployed industrial forces and ideological representations of space in the production of suburbia.
Suburbanisation and the regulation of space: the case of housing

In Graeme Davison's words, the "luxuriant" growth of the suburbs would not have been possible without its vigorous promotion by the state, both in terms of public policy and through the various forms of public subsidisation (such as the provision of infrastructure and taxation incentives). For Mike Berry, the “substantial commitment by the state to intervene” in the provision of public transport and infrastructure was a necessary precondition for Australia's rapid inter-war suburbanisation. In the post-second world war era, suburbanisation and residential sprawl were driven by the encouragement of home ownership in government tax and housing policies. Additionally, Australia's system of strong central government and weak local government was particularly conducive to the rapid development and promotion of suburbanisation after the second world war. Even during the nineteenth century, suburban infrastructure and building growth was largely subsidised by colonial (and later State) treasuries. State governments accepted many of the costs of providing schools, police stations, railways and general infrastructure that in other countries, were funded by local authorities. Davison argues that this had the dual effect of reducing the “threshold of development costs” for ratepayers in new suburbs and guaranteeing a common standard of sewerage, schooling and policing across all suburbs.

In the United States the provision of suburban infrastructure was primarily paid for through locally-based property taxation. Gottdiener explains the residential locational shift which created the expansion of suburbia in the USA as facilitated through a joint articulation of the state and the real estate sector. In effect, the state in the USA has played an instrumental part in the development of "an entirely new version of settlement space", which despite its broad popularity does not necessarily represent a free choice for those who have bought into it. Gottdiener argues the state-real estate articulation in that country has promoted uncoordinated development which has largely excluded community participation in planning decisions. Australia has a stronger tradition of

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103 Gottdiener M (1993) The social production of urban space, see note 12, at p248.
104 ibid., at p249.
interventionist planning at the state level than the USA does, so it is legitimate to consider the extent to which suburbia has also been imposed rather than freely chosen in this country.

The central debate about the role of the state in shaping Australian suburbia, has arisen around the work of Jim Kemeny. Kemeny is associated with some of the more forceful assertions regarding the state's role in coercing people into suburban home-ownership.\textsuperscript{105} He argues that rather than home-ownership spreading “naturally” as the free choice of an affluent working class, Australia's contemporary tenure structure has been historically “engineered” through active state intervention.\textsuperscript{106} In the decades following the second world war, government housing policies were primarily biased in favour of owner occupation at the expense of other possible tenure options. Examples of these policies include the subsidisation of housing finance and direct taxation relief to property owners. Hence the 'popularity' of this form of tenure has been artificially manufactured through a form of institutionalised social welfare which disproportionately favours higher socio-economic groups. One of the long-standing effects of bipartisan political support for owner occupation has been the reinforcement of what Kemeny terms the “ideology of home-ownership” - a conservative ethic entrenching the values of thrift, individual responsibility and property ownership.\textsuperscript{107} This ideology disguises the inefficiencies and costs involved in the public subsidisation of owner occupation, one of which involves shifting the heaviest burden of housing expenditure onto the young.\textsuperscript{108}

Kemeny's argument about the relative importance of state intervention and its role in ideological manipulation has been challenged in a number of contributions to the sociology of housing in Australia. Mike Berry has argued that the correlation between a

\textsuperscript{105} Greig A (1995) \textit{The stuff dreams are made of}, see note 14, at p102.
mono-tenural housing policy and levels of home-ownership that Kemeny identifies, does not necessarily imply a causal relationship running from the former to the latter. He asserts that government policy may well have been a response to the emergence of more fundamental “structural changes in the process of domestic capital accumulation”. An example is the way in which “the rising volume of domestic savings” in the post-war years was “‘squeezed out’ of the most profitable areas of investment by the competitive superiority of transnational capital”.

Domestic savings were concentrated by credit institutions and directed into the built environment for production and consumption, an enduring feature of Australian history. Thus, it was not, as Kemeny implies, that government policy unilaterally established a specialised private housing finance sector through the operations of the Commonwealth and state savings banks; rather the manner in which the process of capital accumulation unfolded in early post-war Australia generated an increasing flow of savings for the banks and other financial institutions, which were directed into areas such as the finance of home-owning opportunities.

Alistair Greig has also pointed out the limitations of Kemeny's attachment of mono-causal priority to the state in pump priming owner-occupation rates by drawing attention to a plurality of factors which were responsible for this process. His study of the post-war housing boom highlights the intense shortage of housing and building materials in the immediate post-war period combined with a dearth of rental accommodation, which was influenced, in part, by wartime rent control provisions. This had a great influence on the variety of tenure options available. Kemeny is unable

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108 He argues that the ideology of home-ownership effectively binds young people to long periods of wage-earning to allow them to afford a deposit and mortgage repayments (ibid., at p257).
110 Berry M (1988) ‘To buy or to rent?’, see note 109, at p115.
111 ibid.
to explain why rates of home-ownership “accelerated most dramatically in the intercensal period 1947-54”,\footnote{Greig A (1995) *The stuff dreams are made of*, see note 14, at p103.} as this occurred before the Commonwealth government altered its funding priorities to promote owner occupation with the second *Commonwealth State Housing Agreement* in 1956. The state then did not push Australians into suburban home-ownership, but rather performed a facilitative (or at most an accelerative) role.

coincidental relationship between housing and the stability and reproduction of the Fordist regime of accumulation.\textsuperscript{117} In Greig’s analysis, the development of suburbanisation in the immediate post-war years was premised on a “correspondence between mass-production techniques and institutions of mass consumption”.\textsuperscript{118} The expansion of home ownership helped to “create a bureaucratically controlled mass consumer market”\textsuperscript{119} in which the suburban house operated as a functional residential container for privatised consumption of mass-produced goods.\textsuperscript{120} This demonstrates the importance of housing in the maintenance and reproduction of the Fordist regime of accumulation. … (H)ousing is the 'structuring motif of the Fordist way of life', despite the 'non-Fordist' form which the production of housing historically has assumed.\textsuperscript{121}

Therefore, by situating housing within the context of the growth of a Fordist regime of accumulation, Greig is able to counter both the priority given to state instrumentalism in Kemeny's account and the economic determinism of orthodox Marxism, neither of which deserve uncritical support. In his analysis, the concept of a \textit{mode of regulation} provides a theoretical vehicle for explaining the housing sector and suburbanisation in terms of a plurality of institutional and normative forces, which extend beyond the formal structure of the state. There is a clear affinity here with Lefebvre's eschewal of economic reductionism, and a resonance with his thesis of the rise of the \textit{bureaucratic society of controlled consumption} which structures everyday life in contemporary capitalist societies.\textsuperscript{122} However one important difference lies in the importance that

\textsuperscript{117} Greig A (1995) \textit{The stuff dreams are made of}, see note 14, at p15.
\textsuperscript{118} \textit{ibid.}, at p13.
\textsuperscript{119} \textit{ibid.}, at p15.
\textsuperscript{121} Greig A (1995) \textit{The stuff dreams are made of}, see note 14, at p16.
each approach attaches to the state. While Lefebvre retains a strongly articulated role for the state, this appears to be one casualty of the regulation approach’s aversion to instrumentalism and economism. Even sympathetic writers in the field have acknowledged the weaknesses in the account of the state within regulation theory.\footnote{Jessop B (1990) ‘Regulation theories in retrospect and prospect’, see note 115, at p196; Hay C (1995) ’Re-stating the problem of regulation and re-regulating the local state’, \textit{Economy and Society}, 24(3): 387-407. Hay asserts, “(r)egulation theory is not, and furthermore lacks a theory of the state.” at p401.}

This limits the capacity of Greig’s analysis to adequately account for the state’s role in the production of Australian suburbia. His positioning of housing and suburbanisation within the context of a Fordist regime of accumulation is an important contribution, but it is not able to fully explain the specific legal and regulatory interventions of the state which have had a significant effect on the development of the deconcentrated urban form. By contrast, Lefebvre accompanies his theory of the production of space with a well-developed account of the state's agency in the reproduction of socio-spatial relations. In particular, he can assist in overcoming the limited recognition of the part played by urban and regional planning regimes in the production of Australian urban space since the second world war. Despite the plurality of social influences on suburban development, it is clear that the state has played a crucial role in the \textit{planning} and \textit{regulation} of social space throughout the last century. If not literally orchestrated by the state, suburbanisation on the scale witnessed in post-war Australia would not have been possible without its active promotion through both housing policies and the state's planning and regulation of the built environment.

\section*{6. Conclusion}

This chapter has been an attempt to apply Lefebvre’s account of space and its production in the context of the deconcentrated forms of settlement space that characterise Australian cities. I identified three causal influences on the development of Australian suburbia: technological advancement, ideological constructions and state interventionism. The first two phenomena were explained in Lefebvorean terms as structuring the \textit{spatial practice} of suburban life, and embodying particular
representations of space. Accordingly, I have described suburbia as a manifestation of
the fragmented, homogeneous and hierarchical social relations of abstract space.
Unfortunately, debates about the third influence on the production of suburbia have not
managed to move far beyond the dichotomy between economism and state
instrumentalism. This is true, even in the quite sophisticated recent work in this area
which draws upon the regulation approach, and it has contributed to a considerable
under-emphasis of the contribution of state planning and land-use controls to the growth
of suburbanisation during the post-war era. An investigation of the apparatus of
modernist spatial planning - its functional and productivist concerns, its ideological
influences and its uses of state power - is the subject of the next chapter.
Chapter Six

The state, urban planning and the production of suburbia

1. Introduction: planning and the production of space

In the last chapter a variety of influences on the development of the deconcentrated urban form in Australia were considered, including technical functionalism, ideological representations and the instrumental interventions of state power. It was argued that each of these elements can be incorporated into a broader Lefebvrean account of spatial production, by concentrating on the role played by urban planning. Despite the existence of an extensive literature on the technological, industrial and ideological influences on Australian suburbia, this role has tended to be underemphasised. Even in the relatively sophisticated theoretical account of suburbanisation provided by the regulation approach, the specific technologies of urban planning in the production of this form of settlement space are only nominally acknowledged. This situation has largely resulted from a desire within Australian urban sociology to avoid the twin dangers of state instrumentalism and economic reductionism in explaining city form and the material practices of everyday life. The central concerns of this chapter are to fill in some of the details surrounding the spatial role of the state in a way that ties it to a more generalised productive process. Lefebvre’s ideas will be used to explain the theory and practice of urban planning as core institutional aspects of the state’s interventions in space. This will demonstrate how the state has promoted the development of suburbia by pursuing a strategy oriented towards the production of abstract space. It will also prepare the ground for the more detailed analysis of the legal parameters of Queensland’s contemporary planning system to be pursued in chapter seven.

One of the consequences flowing from Lefebvre’s spatialised account of the state, is a recognition that its management and structuring of the urbanisation process plays a critical role in the continuity of capital accumulation. As the organisation of spatial configurations converts temporal restrictions on capital into spatial ones, “the
planning of the modern economy tends to become spatial planning”.¹ This raises the status of the techniques by which the urbanisation process is managed. They are necessarily called upon to provide key contributions to both the design of urban form and economic policy-making in general. In addition, it has some important ramifications for how we theorise both the processes of urban planning and the development of suburban space. In order to understand the origins and persistence of deconcentrated forms of urbanisation in Australia as part of a more general process of spatial production, we need to take the practice and theoretical supports of urban planning seriously. While it is clear that private sector development and a consumerist ideology have played prominent roles in ‘creating’ suburbia,² this should not obscure the role played by the state in structuring the growth of particular forms of urban space. Rather than allowing our attention to automatically drift towards either macro-economic or micro-cultural relations, we require a consideration of both the planning technologies and legal rules which have guided these developments.

This chapter will firstly provide an historical outline of urban planning in Australia and will briefly describe Queensland’s post-war system of land-use control. Despite two explicit attempts by the national government to assert its influence over urban affairs, urban planning has remained the province of State and local authorities throughout the twentieth century. Consequently, the relative importance attached to planning issues has varied across the country according to the attitudes of State bureaucracies. In the absence of national or often even regional strategies to coordinate planning, a large proportion of the responsibility for spatial regulation has fallen on local governments. Overwhelmingly, this means that land-use planning has been reduced to a reliance on a body of negative and prescriptive techniques, commonly referred to as zoning. A comparison will be made between Lefebvre’s account of this mechanism of land-use control and the Foucauldian-inspired critical perspective offered by Margo Huxley.

In light of this discussion, a number of Lefebvre’s theoretical concepts will be used to explain the diverse influences on Australian urban planning over the last century. Just

as suburbia can be understood as constituted by a variety of social forces, a similar plurality of influences can also be observed at work within the discipline of planning itself. This chapter will show how urban planning has regulated spatial form by utilising a particular bureaucratic rationality that Lefebvre associates with the logic of habitat. It consists of a combination of technocratic functionalism, aesthetic formalism and the instrumental use of state power. Therefore central to the analysis adopted here is one of the pet methodological themes of Lefebvre’s social theory - the interrelationship between form, function and structure. One of the benefits of this approach is that it allows for a description of particular reductionist influences which have achieved dominance over planning practice at different times.³

Lastly, I will consider some of the significant changes to land-use planning that have occurred during the last decade. It is clear that the planning of deconcentrated, suburban space was a fundamental component of the post-war state mode of production which remained dominant up until the mid-1970s. However from that time to the present, a new, neoliberal state formation has taken shape, which has altered the foundations of spatial planning. The major factors in this evolution have been the introduction of managerial forms of control and the micro-economic reform of state activities. In the final section, these characteristics will be outlined as a prelude to a more comprehensive discussion of neoliberal planning in the next chapter.

2. Planning and the growth of suburbia
From their origins at the end of the nineteenth century, the town planning movements in Britain, the USA and in Australia were deeply committed to sanitary reform, public health and overcoming the multiple evils of congested urban areas. The reforming zeal of the early Australian planning movement was motivated largely by the search for solutions to what were seen as the medical, hygienic and technical problems of inner-city density. Overwhelmingly, these early planners were convinced of the superiority of low-density residential development, modelled, at least aesthetically on Ebenezer

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³ Key examples include the spatial formalism of the early sanitation movement and the technocratic functionalism associated with the rise of planning bureaucracies in the post-war period.
Howard’s plans for *Garden cities*. However, it is important to note that Howard’s influence was diluted in the thinking of early figures in Australian planning such as J D Fitzgerald and John Sulman, both of whom were instrumental in the establishment of the model ‘garden suburb’ of Daceyville in Sydney. Even in the terminological distinction between ‘garden cities’ and ‘garden suburbs’, it is easy to see how the radical reformist dimensions of Howard’s plan, such as the community ownership of land, were ignored in the practical application of his ideas in Australia. In finding an answer to the evils of urban degradation in various models of the garden suburb, the early planning movement pursued a physically determinist formalism – or a “facility-centred theory of social change”. Thus the inequality of market relations and other structural causes for social problems in the city were sidestepped. Social reform had been reduced to spatial design.

Before long, planners began to supplement this formalistic, spatial reductionism with an adherence to varieties of technocratic functionalism and later, an increasingly dominant fetishisation of the planner as urban manager. The planning profession soon developed a faith in the technical and expert nature of their enterprise that further distanced it from more ‘political’ considerations such as the ownership and distribution of housing resources. In her historical study of Australian planning, Leonie Sandercock has shown how key participants in the early planning movement, such as Sulman, repeatedly held to the view that successful planning required the intervention of an expert, far more than it needed democratic accountability. That such a view was widespread is evidenced by the strong consensus that emerged amongst delegates to the first two Australian town planning conferences, over the essentially ‘non-political’ nature of planning practice. This acceptance of planning

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8 Sandercock L (1990) *Property, politics and urban planning*, see note 6, at pp64-70. See: Australian Town Planning Conference and Exhibition (1917) *Official volume of proceedings*
as technique, rather than political event, entrenched itself in the technocratic state
planning of the post-war period.

Urban planning and the Australian state
Given the historical and philosophical influences on Australian planning, it is not
surprising that there have only been rare occasions when the socially reformist
dimensions of planning have been pursued more vigorously, as part of a widely-drawn
social democratic agenda. There are two examples at the national level of attempts to
significantly expand the domain of urban planning and link it explicitly with the
redistributive arms of social and economic policy. Both were initiatives of Australian
Labor Party (ALP) governments and drew on the labour movement’s social justice
aspirations and its historical interest in championing the related pursuits of housing
reconstruction and urban planning. However neither of these adventures succeeded in
developing long-lasting, centralised, national institutions for coordinating and
integrating the fragmentary forms of decision-making that contribute to urban policy.

The first national attempt to take the planning of urbanisation seriously and to
integrate land-use planning with economic and social policies was pursued by the
Curtin and Chifley ALP governments between 1942-49. Their vehicle was the
Department of Post-War Reconstruction (DPWR), set up in 1942 under the leadership
of H C (‘Nugget’) Coombs. It initiated an expansive planning agenda that was an
attempt to link land-use planning to wider economic and social planning objectives
and gained considerable intellectual support from a number of innovative
contributions to the debate about the role of planning in the post-war world. The
optimism about the possibilities for post-war reconstruction in this period produced
several remarkable documents that argued for social democratic planning in its widest
sense and a corresponding diminution of the importance previously attached to “visual
appearance, health and amenity”. Situating planning as part of a more general

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9 ibid., at p141. For example, see the work of: Barnett F and Burt W (1942) Housing the
Australian nation, Left Book Club, Melbourne; Barnett F, Burt W and Heath F (1944) We
must go on: a study of planned reconstruction and housing, The Book Depot, Melbourne;
problem of resource allocation, these writers represented a broader attempt to reassert the reforming potential of the early planning movement, and for a short time held the forces arguing for more limited, technocratic forms of planning at bay. The most radical of the DPWR’s proposed reforms were set out in the *Commonwealth Housing Commission: Final Report* (1944) and included measures for public participation in planning and decision-making, the nationalisation of land to prevent speculation and the reservation of ‘unearned increments’ to the community.10

However none of these far-reaching reforms were successfully enacted due to the limitations on the Commonwealth’s constitutional power to conduct comprehensive urban planning and the inhibitions on national planning that ‘cooperative’ federalism imposed. During this time, the ALP faced an assault from a combination of forces, including obstructionist State governments, a hostile High Court’s restrictive interpretations of the Commonwealth’s constitutional powers, the direct opposition by development interests and other capitalist interests, and a fear campaign generated by the conservative opposition, which focused on the potential eclipse of private enterprise under a regime of socialist planning. Most importantly, much of the DPWR agenda would have required constitutional changes to enable the Commonwealth to carry on its extensive war-time planning powers after the end of hostilities. In the face of such opposition, the 1944 referendum proposal to extend the Commonwealth’s powers into the post-war period was defeated. By the time the conservative Menzies government took power in 1949, it had become clear that urban planning was to be left in the hands of state and municipal governments.11

The second attempt to develop a wide-ranging, national system of urban governance came with the Whitlam government’s establishment of the Department of Urban and Regional Development (DURD) between 1972-75. Consecutive conservative federal
governments since the early 1950s had consistently ignored urban problems, perceiving them as exclusively State responsibilities. DURD was primarily concerned with reversing this perception and providing federal funding incentives for public investment in urban infrastructure.\textsuperscript{12} This experiment in federal involvement in urban governance ran into a number of obstacles created by bureaucratic inertia and hostility within State and federal departments and DURD’s own limitations in solving the urban problems it had identified.\textsuperscript{13} Ultimately it was terminated with the dismissal of the Whitlam government in late 1975.\textsuperscript{14}

\textit{Regional governance and the planning of urban space}

Apart from the moderate revival of federal interest in urban and regional planning initiated by the Hawke-Keating Labor government’s \textit{Better Cities Program}, these two examples are the only attempts to establish centralised planning institutions at the national level.\textsuperscript{15} Accordingly, the primary responsibility for the mantle of urban and regional planning has been carried, at times reluctantly, by the various State and local governments. This devolution of responsibilities inevitably led to quite a large variation in the approaches to urban governance adopted across the country. However it is possible to make some generalisations about spatial regulation in the post-war era. The most obvious similarity across the States was a universal absence of any political commitment to fulfilling the social reform aspirations of the early planning movement. Gleeson and Low characterise the predominant model of urban

governance in this period as the *colonial bureaucracy*. With its origins in the administrative apparatuses of nineteenth century colonial governments, this form of governance placed significant reliance on the public provision of urban infrastructure and trust in professional bureaucratic expertise. In the decades following the second world war, the colonial bureaucratic form contributed to the institutional division of ‘town planning’ powers between various bureaucratic organisations, mainly within the State government. This inevitably led to the administration of urbanisation becoming subsumed within the functions of large State government departments. What remained of a distinctly urban planning agenda was left to the narrow province of land-use zoning by local authorities.

In Queensland, the colonial bureaucratic model took on a particularly idiosyncratic form at both State and local government levels. Of all the State capital cities, Brisbane is the only example of success for the greater metropolitan movement of the early twentieth century which agitated for the creation of a municipal-wide government by the amalgamation of 22 local councils. Created by the *City of Brisbane Act 1924* (Qld), the Brisbane City Council was ultimately responsible to the State Minister for Local Government. It was given responsibility for local transport and traffic, sewerage, power and water, while rail and the provision of main roads remained in the hands of the State government. This set in train a parallel arrangement of powers and responsibilities between the State government and local councils, which can be observed operating throughout the post-war period. A formalisation of the town planning powers of the Brisbane City Council did not occur until 1965, when a statutory town plan for Brisbane was finally gazetted.

At the State level the conservative Country Party (later National Party) – Liberal Party coalition government consolidated its hold on power throughout the 1960s and 70s under the leadership of Johannes Bjelke-Petersen. During this time, departments associated with development decisions, road infrastructure and local government became well-known as bureaucratic ‘fiefdoms’ over particular administrative domains. A central element of this *colonial bureaucratic* project was a highly

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discretionary model of decision-making which circumvented formal mechanisms of administrative transparency. This helped to fragment those parts of the State public sector concerned with land-use management into a collection of client-serving agencies which operated to facilitate outcomes for particular industry sectors. One obvious example is the way in which transport planning and highway infrastructure became dislodged from other aspects of land-use planning and forced residential communities to accommodate large-scale road construction schemes imposed by the Main Roads Department. The 1970s struggle to preserve the inner city suburb of Bowen Hills in the face of a proposal to build a freeway through it, demonstrates the extent to which particularly technocratic assumptions about the administration of urban space were able to override the use values of the community concerned.  

Despite the great influence wielded by State government policies directed towards industrialisation, productivist development and technocratic infrastructure projects during this period, the Brisbane City Council was still the biggest and formally the most powerful local authority in Australia. However, it appeared to consistently follow a complementary planning agenda to that of the State government. Even the long-term political dominance of the Australian Labor Party on the Council throughout the 1960s and 70s did not act as a catalyst for the development of an alternative model of urban planning. This is at least partially explained by the imposing influence of Alderman Clem Jones who was Lord Mayor between 1961-75. Jones rejected the possibility of using forward planning to restrain future development in a most straightforward manner.

You can’t place restrictions on people because of things you think should happen in 20 years, when we have absolutely no idea of what is likely to be the

\[\text{18} \text{ ibid.} \]
\[\text{19} \text{ It is also an example of the symbiotic relationship between bureaucratic functionalism and the authoritarian forms of policing during this period. For a classic defence of the technocratic rationality behind such schemes see the comments by Russell Hinze in the film The Battle for Bowen Hills (1982) Crowsfoot Films, directed by Peter Gray and Garry Lane:} \]

Whilst there may be some airy fairy thoughts that we’re going to make everybody use public transport, that will not happen. \ldots The Australians have indicated in no uncertain terms that they intend to use their motor cars.

Hinze was the Minister for Local Government and Main Roads between 1974-87 in the Bjelke-Petersen government and at various times added Police (1980-82) and Racing (1982-87) to his list of portfolios.
situation at that time.\textsuperscript{20}

The development of Brisbane’s urban form throughout much of the post-war period has been characterised by Phil Heywood as a predominantly market-driven process. He attributes significant responsibility to private development for the low-density and informal layout of the city’s suburbs.\textsuperscript{21} Rather than settlement following the state provision of transport and other urban services, “(i)n almost every case, settlement preceded the provision of these services”.\textsuperscript{22} This suggests the lack of a causal connection between infrastructure provision and suburban growth in the Brisbane case. Indeed in the absence of an operational Town Plan until 1965, and without comprehensive urban planning controls on private development, new residential areas continued to grow along existing radial roads which accentuated “the city’s developing stellar form”.\textsuperscript{23} Notwithstanding its size and potential planning power, it was clear that throughout most of the post-war period, the Brisbane City Council was even less prepared to engage in progressive forms of planning than comparable bodies in other capital cities.\textsuperscript{24} When it did engage in urban planning, it defined its role through the narrowest construction of its jurisdiction – as a form of land-use zoning. However, despite their narrow ambit, the importance of such planning practices in shaping the suburban expansion should not be underestimated.

3. Planning practice and the control of land-use: zoning for abstract space

While the potential for large-scale regional and infrastructure planning remained in the hands of the Queensland government, the most direct and immediate planning


\textsuperscript{22} \textit{ibid}. However he does acknowledge that the massive investment in the electrification of the city during the 1950s did encourage population dispersal.

\textsuperscript{23} \textit{ibid}. 

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interventions were carried out at the local government level. Therefore any investigation of the planning of suburbia in the post-war years requires an investigation of ‘zoning’ as the standard body of techniques employed by the ‘local state’ to regulate the urban environment during this period.

**Zoning as technique**

Zoning has been the archetypal model of land-use control in the traditional statutory planning armoury. Although it has been ubiquitous as “the principal instrument of spatial regulation” in Australian cities during the post-war decades, until recently it has generally been neglected as the subject of theoretical investigation for its own sake. This has been the case within both traditional and ‘radical’ planning scholarship. Zoning is an essentially negative means of control, which operates through proscribing certain uses within zones designated in a pre-existing master plan. It relies on a notional commitment to physical determinism, which in Australia has tended to derive from a distorted ‘garden city’ model - minus its collectivist aspirations. This is combined with a formalist reduction of planning to the development control process and reactive responses to applications for development approval. As well as providing a technical means for regulating land-uses and the built environment, zoning is also a classic example of the bureaucratic rationality of planning in practice. By dividing space into zones and imposing a certain homogeneity within them, this technique displays the characteristic elements of the ideology of the ‘plot’. It implicitly encourages a fragmentation, homogenisation and hierarchical ordering of space and therefore can be understood as a key mechanism in the production of *abstract space* through the post-war years. Its effects may be seen ‘on the ground’ where

> the state-bureaucratic order … simultaneously achieves self-actualization and

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24 Neutze M (1978) *Australian urban policy*, see note 2, at p162.
self-concealment, fuzzing its image in the crystal-clear air of functional and structural readability.\textsuperscript{28}

So entrenched and unquestioned is the rationality which underpins such “spatial distinctions and divisions” that

\hspace{1cm} \textit{(z)}oning, … which is responsible – precisely - for fragmentation, break-up and separation under the umbrella of a bureaucratically decreed unity, is conflated with the rational capacity to discriminate.\textsuperscript{29}

Land-use controls such as zoning represent for Lefebvre the degeneration and debasement of classical (Cartesian) reason into a simplistic technocratic rationality.

In conceptualising the rationality underpinning zoning in this way, Lefebvre extends his critique beyond the economic reductionism and functionalism that have dominated much orthodox Marxist literature on planning. David Harvey for example, firmly situates planning practice as a functional requirement for the continued accumulation of capital.\textsuperscript{30} Land-use zoning and its contribution to suburban deconcentration are specifically identified as the means by which the state stabilises the land market and preserves the value of property rights. While Lefebvre does not discount such effects, he refuses to reduce planning to an instrument of economic regulation for capital. Zoning is a complex set of operations on social space, with both formal and functional dimensions. It is used strategically to fragment, quantify and commodify space according to functionalist criteria. But it also inherently relies on the formalism of cartographic and scientific \textit{representations of space} and is a practical manifestation of the \textit{logic of visualisation}. For Lefebvre, zoning must be understood as more than a tool in the service of capital, but as part of a specifically anti-urban strategy driven by the state’s imperatives towards abstract space. In this context it is worthwhile comparing Lefebvre’s account of zoning with its treatment by Margo Huxley, who


\textsuperscript{29} \textit{Ibid}.

draws on the ideas of Michel Foucault.

Lefebvre and Foucault: land-use planning and social control

Huxley is the writer within Australian urban studies who has been most concerned with the theoretical foundations of land-use zoning. The primary focus of her work has been in the application of a Foucauldian analysis of power to explain spatial planning as a form of governmentality.\textsuperscript{31} She views zoning, and planning in general, as simultaneously both categories of ‘social reform’ and ‘social control’. Emphasising the utilitarian origins of urban planning, Huxley posits zoning as a direct descendant of nineteenth century, post-Benthamite public health reforms.\textsuperscript{32} Land-use controls such as zoning display a utilitarian desire to impose restraints on private property rights in order to promote the general welfare. As noted previously, of particular importance for the early town planners was the potential for moral and physical reform of the working class through the introduction of “new, light-filled, garden-surrounded housing”.\textsuperscript{33} In Australia, this was intermingled with a longstanding belief in the “social efficacy of (the) owner-occupancy of land”\textsuperscript{34} to provide a planning framework for post-war suburbanisation. Hence,

zoning played a fundamental part in reinforcing the already accepted desirability
of the low-density suburb for the health, wealth and happiness of the greatest

\begin{footnotesize}
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\item \textsuperscript{32} Huxley draws attention to the role of Bentham’s secretary Edwin Chadwick in the extension of utilitarianism and medical models to the planning of urban space. See Huxley M (1994) ‘Planning as a framework of power: utilitarian reform, enlightenment logic and the control of urban space’, see note 31, at p150.
\item \textsuperscript{33} \textit{ibid.}, at p152.
\item \textsuperscript{34} \textit{ibid.}, at p158.
\end{itemize}
\end{footnotesize}
number of people.\textsuperscript{35}

Post-war planning schemes were predominantly couched in terms of technically neutral concerns such as ‘sprawl’ and ‘congestion’, rather than the earlier tropes of ‘disease’ and ‘decay’. However, this failed to hide the inevitable companion of such attempts at social reform. In Foucauldian terms, the reforming dimensions of land-use planning cannot be considered in isolation from its operation as a form of normalising social control. The use of zoning to establish homogeneous areas that exclude ‘the Other’ “is part of the state’s involvement in the creation and control of citizens/subjects and the discipline of bodies”.\textsuperscript{36} As much as the quest for light and open space in suburbia can be viewed in terms of health and welfare, it is simultaneously a means of ensuring that the “working classes could see and be seen”.\textsuperscript{37} This fits with Bentham’s assumptions about the improvement of behaviour through surveillance – especially “when we are watching ourselves”.\textsuperscript{38} But even further, Huxley asserts that post-war planning was part of the “wholesale … reconstruction of Australian society”, involving not only economic ‘modernisation’, but also suburbanisation and the creation of consumerism as the dominant form of cultural interaction.\textsuperscript{39} Through attempting “to create spatial and cultural conditions in which duty and self-interest coincide”,\textsuperscript{40} the zoning of suburbia has played a crucial role in the construction of the self-regulating citizen.

Huxley’s depiction of the operational power of zoning schemes echoes Lefebvre’s portrayal of the juxtaposition of functions on the ground imposed by abstract space. In her words “(z)ones fragment space and homogenise the fragments, categorising and hierarchising an abstract matrix of uses.”\textsuperscript{41} Both these accounts recognise that the homogenising impulses driving the state’s interventions in space are not absolute. Zoning regulations are the institutional embodiment of both overt struggles over material resources, and more silent experiences of everyday life that can be analysed

\textsuperscript{35} ibid, at p159.  
\textsuperscript{36} ibid, at p150.  
\textsuperscript{37} ibid, at p149.  
\textsuperscript{38} ibid.  
\textsuperscript{39} ibid.  
\textsuperscript{40} ibid., at p150.  
\textsuperscript{41} ibid., at p163. See also at p151.
in terms of race, ability, gender and age. Huxley agrees with Lefebvre that the strategic goals of abstract space are continuously countered by moments of reappropriation which escape the prescriptive logic of the planning scheme. Within everyday life lie the possibilities for the reassertion of difference and the re-inscription of alternative schemes of uses which undermine the utilitarian project. In Australia, there are numerous examples of popular struggles over planning issues which have demanded the defence of uses values over the value of exchange and have resisted the authoritarianism of the state and local planning bureaucracies. Responses to the rise of urban, green activism can be seen in the gradual institutional incorporation of demands for environmental protection and public participation within planning processes from the mid-1970s onwards.

Where the approaches of Lefebvre and Huxley differ is in the weight attributed by each to the social control dimensions of land-use planning. As Huxley concedes, zoning is not always successful in its attempts to control a subject population. In circumstances where we can observe the failure of zoning’s efficacy in achieving control, is it possible to understand planning’s role in the state apparatus in another


43 Gleeson B and Low N (2000) Australian urban planning, see note 7, chapters 7 and 8.

way? Lefebvre’s answer is to situate zoning and other land-use planning techniques as part of an overall strategy to reproduce capitalist social relations, rather than as simply an exercise of power and social control. Zoning is to be conceptualised as one technical element of a strategy towards the creation of abstract space. In the next chapter, I will deal with a model of planning which attempts to eliminate land-use zoning, however as will be made clear, the mere absence of zoning does not necessarily imply the absence of strategic impulses in spatial planning.

4. The state, planning and the production of Australian suburbia

In the discussion so far, I have described post-war planning as part of a colonial bureaucratic state apparatus – a complex of bureaucratic institutions including State government departments and local authorities. I will now deepen the analysis of this planning regime by invoking Lefebvre’s interpretation of the bureaucratic rationality behind planning practice. He associates this rationality with the rise of the logic of habitat from the late nineteenth century onwards. Some of the ways this intellectual construct has influenced the development of settlement space have already been noted in chapter five. Here I will explore the functional, formal and structural aspects of this model of rationality.

Planning and the rationality of habitat

Firstly, the rationality of habitat associated with a technocratic functionalism, which arose as a response to the growth of industrialisation and the perceived need to control and administer the city along the lines of an ordered hierarchy. By reducing the city to a series of isolated functions and detaching it from a social totality, functionalism has allowed for the segmentation of planning into areas such as housing, transport, industry and culture. With the adoption of a model of deconcentrated home-ownership as the norm, land-use planning, has contributed to a suppression of the city. But this devaluation of urban society under the guise of suburbanisation is not solely attributable to the assertion of public power. It is also pursued in tandem with the private sector’s imposition of functional housing, controlled consumption and the leisure industry on everyday life. Planning is thereby subordinated to priorities

45 See chapter five at pp147-51.
associated with the “general organization of industry”.\textsuperscript{47}

Attacked both from above and below, the city is associated to industrial enterprise: it figures in planning as a cog: it becomes the material device to organise production, control the daily life of the producers and the consumption of products.\textsuperscript{48}

A second component of post-war planning rationality is a commitment to an ideological \textit{formalism}, which operates at the level of aesthetics. Through a deployment of the \textit{logic of visualisation}, aesthetic criteria are used to mask the content or structural depth of social reality. As an example, Lesley Johnson draws attention to the role of the “bird’s-eye view” in the master planner’s repertoire. By deciphering of space from above, planning techniques reduce knowledge of the city as a whole to the perspective of the surface.\textsuperscript{49} In the past, this has contributed to the adoption of spatially determinist solutions for a range of urban problems. More recently, Gleeson and Low see the continued operation of this logic in policy documents which fetishise urban ‘design’ over planning and attempt to reduce “planning to a politics of surfaces … to nothing more than representations, images and ‘visions’.”\textsuperscript{50}

During the last two decades, a second type of formalism has gained ascendency - one which has accompanied the recent transition to a \textit{neoliberal state mode of production}.\textsuperscript{51} It derives from the subjugation of planning to the commodity form and moves beyond the logic of visualisation to measure planning solutions against the

\textsuperscript{47} \textit{ibid}, at p126.
\textsuperscript{48} \textit{ibid}.
\textsuperscript{50} Gleeson B and Low N (2000) \textit{Australian urban planning}, see note 7, at pp190-1. They identify examples such as the Australian Local Government Association (1997) \textit{Designing competitive places}, ALGA, Deakin, ACT; and the Prime Minister’s Urban Design Task Force (1994) \textit{Urban design in Australia: report}, Australian Government Publishing Service, Canberra.
\textsuperscript{51} See below at pp179-85.
fundamental requirements of market exchange. Under neoliberalism, planning itself “becomes an exchange value”, the effects of which may be observed in recent tendencies towards the reduction of regulatory supervision and the out-sourcing of planning decision-making. However this has been coupled with a renewed state interest in facilitating entrepreneurialism and the subsidisation of large-scale construction projects. Through the combination of deregulation and selective subsidies, wealth-creation through the land development process has gained a valuable ally. The effects of this shift on spatial planning will be considered in more detail in section 5, and in the next chapter.

Lastly, for Lefebvre the rationality of habitat is structurally premised on an authoritarian rationalism in the imposition of technical and scientific expertise over the democratic control of space. This is partly attributable to the visualised conception of reality of the master planner. But it is also generated by the state’s suspicion of the ‘urban’ as a social form, which tends towards autonomy. At the high point of post-war modernism, an increasingly dominant planning strategy directed towards the production of abstract space, swallowed up the specific characteristics of the city and municipal life. Lefebvre identifies in this move “a city-wide institutional crisis of urban jurisdiction and administration.”

At this point, it must be acknowledged that the urban governance regimes operating under Australia’s federal system have never been identical to those employed by the centralised, post-war French state that is the primary target of Lefebvre’s critique. Nevertheless, it is possible to use his analysis of planning rationality to understand the practice of Australian post-war planning as a local manifestation of the state mode of production, which emerged during the post-war decades. At the local authority level, planning was collapsed into a narrowly conceived body of zoning techniques, which display the classic characteristics associated with this rationality. In one sense, zoning pursues the functionalist segmentation of zones according to social function. However it simultaneously facilitates the use of formalist tools such as a visualised logic and cartography in conceptualising space. In addition, it presupposes the

imposition of state *structural* power in the demarcation of distinct zones of use. Zoning necessarily divides, homogenises and hierarchically arranges fragments of space and thereby displays some of the classic hallmarks of state power engaged in the production of abstract space. This circumscription of planning’s jurisdiction to a technical exercise is blamed by Sandercock on the failure of the early planning movement to pursue the reformist implications of its theoretical roots. By adopting a deradicalised version of Howard’s ‘garden city’ and embracing physical determinism, it was incapable of endorsing the political dimensions of its practice. Consequently it was easily incorporated within an alternative political project – that of the state management of social space.

But zoning is only one aspect of the state’s interventions in space during this period. At a macro-level, State government planning policies after the second world war were dominated by a functionalist fetish for scientific and technical solutions to the problems of rapid urbanisation. Consequently, great public expenditure was devoted to large-scale infrastructure projects and the construction and maintenance of roads and communications networks, often at the expense of planning for socially progressive concerns. Accordingly, Gleeson describes post-war state planning as “facilitating rather than controlling the consumption of nature through urban growth. In short, planning was a key element of a system of unrestricted growth”. This suggests that the constraints on the social reforming potential of planning practice cannot be simply ascribed to the discipline’s lack of theoretical ambition, but are the direct consequence of its subsumption within a productivist model of state intervention.

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Therefore, the particularly narrow reading of the jurisdiction of urban planning adopted by the colonial bureaucracy, played an important role in the development of Australian suburbanisation. While the construction of suburban estates was most often initiated by private developers, technological functionalism justified the state provision of infrastructure and services to these settlements after their construction. In Brisbane, this tendency to follow the market ‘wherever it built’, sanctioned the continual radial growth of the city.\textsuperscript{57} Road development in particular had a significant impact on the growth of an urban form, which became utterly dependent on and structured around the private automobile. Gleeson asserts that is was an assumption common to both the state and corporate sector “that public and private interests converged neatly in the goal of suburbanisation”.\textsuperscript{58} State planning aimed to rationalise, rather than prevent or slow, the process of suburbanisation, largely through negative controls which sought to improve the efficiency of urban development … \textsuperscript{59}

Planners also played a crucial ideological role in the great post-war suburban expansion through their formalistic adherence to the physically determinist criterion of deconcentration in the establishment of zoning regimes. In Lefebvorean terms, this demonstrates how planning’s representations of space were crucial to the formulation of the lived spatial practices associated with low-density forms of settlement. Both the functionalist and formalist ‘moments’ of state planning contributed to the material and ideological construction of suburbia. However, as has been previously noted, during the past two decades there have been significant changes to the practice of spatial planning. A dramatic round of state restructuring has taken place in the wake of the demise of the Fordist regime of accumulation.\textsuperscript{60} As a result, the post-war form

\textsuperscript{57} Heywood P (1990) ‘The planning and development of Brisbane’s urban form and structure’, see note 21, at p10.
\textsuperscript{59} ibid.
of the state mode of production that nurtured orthodox planning has given way to an emergent neoliberal state formation. The next section will consider how this shift to neoliberalism has affected the land-use planning system in Queensland.

5. The evolution of neoliberal urban governance in Queensland

As has been described previously, Queensland’s post-war land-use planning regime was dominated by an advanced form of the colonial bureaucratic model which emerged from the state institutions of the nineteenth century. Since the 1970s, new types of urban governance have displaced this bureaucratic form in all Australian States. Not surprisingly, the process of transition occurred at different rates across the federation. Gleeson and Low chart this development in New South Wales, South Australia and Victoria as a steady progression through two stages in the ‘modernising’ of urban governance. 61 The first of these involved the supplanting of the colonial bureaucracy by social democratic managerialism. A core component of this shift was the introduction of private sector management techniques to public sector decision-making. This phase was followed by the imposition of the micro-economic reform agenda to state decision-making - signifying a more comprehensive transition to a neoliberal model of urban governance. Here I will sketch the defining characteristics of this emerging planning paradigm and briefly describe how planning in Queensland historically ‘progressed’ through the stage of social democratic managerialism and emerged in a neoliberal form.

Social democracy and the ‘new managerialism’

Social democratic managerialism refers to a generalised ‘reform’ program of ALP governments in all States, through which public sectors were subjected to comprehensive internal reorganisation and restructuring through the introduction of private sector management techniques. While retaining the social democratic assumption that the state can helpfully control the direction of the local economy, it was accepted that generic, instrumental forms of private sector management would be more effective ways of running public sector bureaucracies. This ‘managerial revolution’ in the Australian public sector was marked by an emphasis on the bureaucratic apparatus

of the state as a single and holistic system rather than a loose agglomeration of
disciplinary specialisations with their own individual administrative peculiarities. This
provided an impetus for the aspiration to integrate policy development and to develop a
closer relationship between the department bureaucracies and their ministers. There
was also an increasing use of the market as a coordinating mechanism for both internal
and external relationships, and the activities of public sector bodies were reconceived as
products or commodities capable of being traded. As a consequence, performance in
the delivery of public services was increasingly defined in terms of customer or client
satisfaction, rather than as necessary requirements for the pursuit of an absolute notion
of the ‘public interest’. Overall, the ‘new managerialism’ ushered in a set of
instrumentalist doctrines about the functioning of public sector organisations. The latter
were perceived, not as independent and specialised sources of expertise, but as tools to
be used in the achievement of strategic outcomes.62

In Queensland the era of social democratic managerialism did not begin until the
election of the Goss Labor government in 1989. Along with the implementation of
the Fitzgerald Report recommendations,63 the early years of the Goss government saw
the introduction of widespread changes to public sector management under the aegis
of the Public Sector Management Commission.64 The most significant reforms
included the amalgamation of departments and the commercialisation and
corporatisation of public functions.65 Before long, these changes in managerial
principles and their associated techniques began to penetrate particular administrative

61 Gleeson B and Low N (2000) Australian urban planning, see note 7, chapters 4 and 5.
62 A similar typology of features of the ‘new corporate management’ is identified in
Administration, 49(2): 166-78 at p171. (This is reproduced by Gleeson and Low (2000)
Australian urban planning, see note 7, at pp72-3.) Anna Yeatman classifies this new form
of management as “post-bureaucratic”, a term which encompasses both social democratic and
activities and associated misconduct, Queensland Government, Brisbane.
64 Public Sector Management Commission Act 1990 (Qld).
disciplines such as land-use planning. In some respects this did not require fundamental alterations to the model of planning established by the colonial bureaucracy. For example, the instrumental and authoritarian components of the ‘new managerialism’ are certainly consonant with the earlier model of decision-making. But the old bureaucratic planning fiefdoms were disrupted by the incorporation of land-use regulation into a wider network of social and economic planning, and the redefinition of planning as a product to be justified in budgetary terms. Despite these reforms, social democratic managerialism was a short-lived episode in Queensland’s public sector history and the Goss government never systematically applied its reform agenda to the domain of land-use planning. The social democratic aspects of the managerial revolution were soon displaced by a more explicitly market-oriented pursuit of micro-economic reform.

Micro-economic reform and the emergence of the neoliberal state

‘Micro-economic reform’ is a specific label for a package of measures designed to remove anti-competitive regulation and establish ‘competitive neutrality’ between public sector monopolies and the private sector. During the early 1990s the Commonwealth, States and Territories agreed to develop a national approach to competition policy and a Committee of Inquiry was established in 1992. A comprehensive statement of the principles of competition policy and the mechanisms to be taken by public sector bodies to remove regulatory barriers to competition is detailed in the Inquiry report (commonly known as The Hilmer Report). In 1995, the Council of Australian Governments endorsed a National Competition Policy (NCP) based on the findings of the Hilmer Report. Under the policy there is a presumption against decision-making and regulatory mechanisms that interfere with the market. Hence, the dominant market principle of consumer sovereignty is applied to the state.

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66 During this time, the function of urban planning was placed within an expanded Department of Housing, Local Government and Planning. See ibid.
67 The only attempt was the Planning and Environment Development Assessment Bill 1995 (Qld), which lapsed with the defeat of the Goss government in 1995.
68 Independent Committee of Inquiry into Competition Policy in Australia (1993) National competition policy, AGPS, Canberra.
resolution of problematic cases is to be achieved through the mechanism of the public interest, which in turn is circumscribed by the neoclassical economic perspective which underpins the policy. Parties seeking to defend regulation bear the onus of proving that competition will not advance the public interest in a particular case. The public interest is therefore defined primarily by reference to efficiency and economic growth,\textsuperscript{70} without regard for non-monetary and minority public interest values.

There are two main reasons why spatial planning is relevant to the implementation of NCP. Firstly, during both the colonial and social democratic bureaucratic regimes, land-use decision-making remained a core public sector function, exercised predominantly by local authorities. A key aspect of NCP is the reform of such monopolies and their substitution by a competitive market.\textsuperscript{71} As a direct consequence, competition for development approval has been introduced in Queensland, New South Wales and Victoria.\textsuperscript{72} The second reason relates to the inherent restrictions on competition that are introduced by any form of state regulation of land-uses. Planning has traditionally been the target of criticisms by the land development industry that it places unreasonable regulatory barriers on economic growth.\textsuperscript{73} In the wake of NCP, the argument has shifted to a presumption that all forms of land regulation and development control are prima facie antithetical to competition.

\textit{Neoliberal planning defined}

The philosophical roots for this neoliberal turn in planning can be traced back at least as far as the critique of the discipline offered by Friedrich Hayek. For him, the market produces a special kind of spontaneous order (the catallaxy) which evolves “through


people acting within the rules of the law of property, tort and contract”.74 By its very nature, a spontaneous order
results from the individual elements adapting themselves to circumstances which directly affect only some of them, and which in their totality need not be known to anyone, it may extend to circumstances so complex that no mind can comprehend them all.75

Central planning and systems of administrative decision-making are therefore fatally flawed in their attempts, through constructivist forms of rationality, to accumulate sufficient information to replace the spontaneous order of the market. Hayek’s attitude to spatial planning can be seen in his critiques of the post-war town and country planning regimes in the United Kingdom. A representative example of his writings in this area is his essay on the British Town and Country Planning Act 1947 (UK) where he argues against the “administrative despotism” of its prescriptive forms of planning control.76 Instead he posits performance-based standards as the only appropriate model of interference in the land development market. As we shall see in the next chapter, this is precisely the model of development control which has been adopted in Queensland’s recently enacted Integrated Planning Act 1997 (Qld).77

However, “actually existing neoliberalism” is a more complex mode of governance than the purely spontaneous, free market model that Hayek’s theory suggests. A number of studies have noted apparently contradictory instances in which neoliberal planning regimes have centralised planning powers and permitted active state intervention to ensure development outcomes. Graham Burchell explains how neoliberalism is distinguished from previous models of liberal thought by a recognition that the market is not

an already existing quasi-natural reality situated in a kind of economic nature reserve in a space marked off, secured and supervised by the State. Rather, the market exists, and can only exist under certain political legal and institutional conditions that must be actively constructed by government.

A key role of the contemporary state is to artificially contrive forms of “free, entrepreneurial and competitive conduct”, in which it is a participating enterprise. The centralised and hierarchical structures that social democratic managerialism introduced have become essential to this strategic endeavour.

At this stage I propose a working definition of the neoliberal state mode of production that can be used to assess the context in which contemporary planning operates. This mode simultaneously embodies two tendencies. The first is encompassed by the expansion of competition - the submission of space to the discipline of market logics and the pursuit of a model of productivist growth. The second is the state’s active engineering of the appropriate social conditions for the former, and the strategic

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ibid, at p271.

This embraces Bourdieu’s depiction of neoliberalism as “the utopia of unlimited exploitation”. See Bourdieu P (1998) ‘Neoliberalism, the utopia (becoming a reality) of
management of the state’s internal institutions.83 Together, these tendencies counter the commonly invoked and simplistic metaphor of the ‘rolling back’ of the state under neoliberalism, and recognise the complexity of this new state mode of production. Adopting this definition allows us to explain how neoliberal spatial planning both commodifies and produces the territory over which the state exercises its jurisdiction.

6. Conclusions: state planning, suburbia and the production of abstract space
This chapter has been concerned with providing a Lefebvrean account of the historical shifts in the nature of post-war urban planning. It was prompted by the relatively limited attention that has been given to the role of spatial planning in the production of suburbia. I have attempted to address this deficit by describing the historical and theoretical influences on Australian spatial planning in the post-war decades, in light of Lefebvre’s conceptualisation of the state and his description of the dominant rationality of planning thought. Lefebvre’s state theory suggests that the material practices of planning, at the State and local government level can be situated within the state apparatus as a whole. Accordingly, it has been possible to understand the planning of the deconcentrated spatial formations that characterise Australian cities as forming a vital component of an expanding, post-war state mode of production.

While suburbia has been a collaborative creation of a variety of social forces, such as market speculation, industrialisation and ideological factors, a Lefebvrean account also acknowledges the structuring role of planning regimes in the formation of this type of settlement space.

The discussion began with a short history of urban planning and its place within the Australian state. While there have been a number of limited attempts by national governments to become more involved in spatial planning, on the whole responsibilities have been left to the State governments and local authorities. Particular attention was given to the city of Brisbane and the respective planning responsibilities of the Queensland State government and the Brisbane City Council.


In light of the prominence given to land-use zoning in the planning practice of local authorities, a theoretical critique of the rationality of zoning was outlined, comparing Lefebvre’s approach with the Foucauldian account of Margo Huxley. It was argued that zoning provides a classic demonstration of the operation of the *rationality of habitat* in the practice of urban planning in Queensland. This was followed by a more detailed description of the three key elements of this rationality. These are:

i) A *functionalist* commitment to the segmentation of space into various functions and zones.

ii) An ideological *formalism* which depends both on a *logic of visualisation*, exemplified by the ‘bird’s-eye view’ and the reliance on cartography.

iii) The employment of the *structural* power of the state to prioritise planning expertise and to impose technological solutions, such as large-scale infrastructure projects, on communities.

In the last section, I considered an important shift in the structure of the state to a *neoliberal state mode of production*, dominated by managerial forms of control and the introduction of the market as a coordinating mechanism. The model of urban governance which has emerged from this state formation will be the subject of the next chapter. I will argue that the introduction of the *Integrated Planning Act 1997* (Qld) signals the beginning of a new phase in Queensland’s land-use planning system, one which expresses a transition to, and the institutionalisation of a neoliberal model of urban governance. This analysis will provide an opportunity to investigate both the legal dimensions of the shift to neoliberal planning and the complicity of legal technologies of land-use planning in the ongoing production of abstract space. In turn, it will provide a prelude for the last chapter, in which the contradictions of spatial planning will be shown to be symptomatic of wider problems within the administrative state.
Chapter Seven

Integrated planning, neoliberalism and abstract space

1. Introduction

The last two chapters have explored the ways in which both the production of suburbia and bureaucratic forms of planning have been dependent on particular discursive constructions of space and forms of spatial practice. In turn, these representations and practices have become the dominant ways in which space is conceived and perceived and have limited the possibilities open to alternative forms of lived, spatial experience or, in Lefebvre’s terminology, representational spaces. This investigation has demonstrated how the suburban landscape is not only a product of ideological attachments to open space and technological spatial solutions, but also owes its existence to the power of the state to plan for the reproduction of social relations. The state’s interventions in space have been described historically in terms of the technical practices and forms of rationality which have characterised orthodox urban planning in Australia throughout the latter half of the twentieth century. In particular, it was argued that planning practice has been informed by a model of rationality – dependent largely on the logic of visualisation and a commitment to a ‘cartographic imagination’. In the decades following the second world war, this led to the dominance of zoning as the primary means of partitioning, ordering and administering space. The development of Australian suburbia can then be seen in Lefebvren terms as the production of abstract space – a space simultaneously fragmented, homogeneous and hierarchically organised.

But the relevance of Lefebvre’s analysis is not limited to an historical account of the high point of post-war technocratic planning. His framework remains a fertile one for understanding current models of spatial planning. In this chapter, attention will turn to recent changes to the land-use planning regime in Queensland which demonstrate planning’s ongoing role in the production of abstract space. While formally, it appears that the techniques now accompanying state planning are radically different from the traditional methods of planning practice, here it will be argued that they manifest the numerous ways in which land-use planning has become reconstituted under a neoliberal form of the state mode of production. In an exploration of this shift in the dominant model of urban governance, the emphasis will turn from an analysis of land use
planning as a set of material techniques supervising the production of space, to the juridical architecture structuring planning practice. As a consequence, the main body of this chapter will be concerned with critically evaluating the legal regime governing land-use planning in Queensland.

Accordingly, this marks the point where my focus will change, both in subject matter and in disciplinary orientation. Two characteristics of this shift are worth noting at this point. Firstly, it is an historical move, from an investigation of the planning of suburbia by the *colonial bureaucratic* state, to a study of a *neoliberal* model of urban governance that has become increasingly dominant in Australia over the last two decades. Secondly, it is also a disciplinary shift from the material analysis of spatial production and its regulation in chapters five and six - to a critique of the juridical forms through which the regulation of space is framed. Consequently, the discussion will move from the disciplines of cultural studies, urban sociology and planning, to legal critique. It will be argued that, in addition to its important implications for the study of urban phenomena and planning practice, Lefebvre’s social theory can help to explain the significance of legal and regulatory regimes in the process of spatial production. Chapter eight continues this transition to a critical legal analysis, by outlining the implications of the Lefebvran methodology employed here for the normative foundations of public law.

The immediate point of departure is an assessment of the place of planning law in critical legal studies. In chapter one I highlighted the tangential interest in land-use planning shown by a number of writers within the law and geography genre. However, Patrick McAuslan’s *The ideologies of planning law*¹ is still the only significant critical treatment of the political and philosophical foundations of planning as a legal genre to have emerged in the last twenty-five years. Despite the undeniable and enduring importance of this work, its analytical approach remains pitched at the level of interest group politics and this prevents McAuslan from ‘spatialising’ the concerns of planning law. In this respect, the argument pursued in this chapter will attempt to deepen the critique of planning law begun by McAuslan.

Following from this, the discussion will return to the immediate history of Queensland’s land-use planning system and briefly detail the political environment from which a new system of planning law emerged in the late 1990s. Of central importance here is the recently introduced Integrated Planning Act 1997 (Qld) (hereafter referred to as the IPA). Its defenders and proponents initially heralded the Act as a radical transformation of the existing model of land-use planning in Queensland. Among a number of important changes, this new legal regime rhetorically proclaims the abolition of zoning and prescriptive forms of land-use management and control through the introduction of a performance-based (or outcome-oriented) planning process. The significance of the Queensland Act lies primarily in the fact that it is a local example of a planning reform agenda that has also been pursued in New Zealand and in other Australian jurisdictions.

In the most comprehensive analysis of the legislation published to date, Philippa England has described the IPA as an amalgamation of three specific agendas. It pursues a philosophy of environmentally sustainable development (ESD), alongside the introduction of ‘micro-economic reform’ into public planning and the devolution of responsibilities to local authorities. It is acknowledged that each of these changes signify important structural shifts in the way land-use planning is to operate in Queensland and each will be considered in the analysis to follow. However by exploring the extent to which a Lefebvrean critique can explain these shifts in the legal foundations for planning practice, the approach adopted in this chapter differs in significant respects from that utilised by England. In particular, these developments will be situated within the state’s overall engagement in the production of space.

2. Law / planning / theory

Over the last two decades legal scholarship has given very little attention to the relationship between planning law and questions of theory, social scientific methodology or the political economy of spatial regulation. This remains the case, despite the extent to which the ‘spatial turn’ has found its way into critical legal studies.

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Indeed it is still rare to find systematic attempts to link the legal structures of urban planning to the politics of space within critical legal studies. Likewise, there have been very few interventions within socio-legal studies more generally, that explicitly link spatial regulation to the techniques of state power and models of governance. Consequently, the place of planning law in regulating the reproduction of the socio-spatial relations of production has largely eluded scrutiny. A significant exception is Patrick McAuslan’s *The ideologies of planning law* which remains the classical reference tool for planning lawyers wishing to understand the social construction of their object of study. It will be remembered from the introduction to this study that McAuslan identifies three distinct ideological positions that orient planning law variously towards the defence of private property, the advancement of the public interest, or the enhancement of public participation.

What is valuable in McAuslan’s typology is that it explains the competing values underpinning the various disciplinary endeavours of planners, lawyers and community activists within the planning process. By explaining the incoherence and contradictions of planning law by reference to the incompatibility between these ideological positions over the role of planning, his analysis usefully demonstrates the value-laden nature of planning law and the impossibility of achieving neutrality. Importantly it reveals the limitations of the concept of the *public interest*, which all too easily can become coopted by the ideology of property and development interests. Instead, McAuslan enthusiastically defends ‘participatory democracy’ as the soundest normative basis for planning law and public law more generally. However, I suggest there are two reasons why it is appropriate to embrace new theoretical tools in understanding the legal forms taken by contemporary planning.

The first relates to the obvious fact that there have been dramatic social, economic and political changes since the time McAuslan wrote his book. Perhaps the most important of these relates to the structure of the state. In the previous chapter, I depicted the introduction of new management techniques and radical micro-economic reforms to the public sector as shaping the emergence of a new state form. Their cumulative effect has

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5 *ibid.*, at p2.
been the creation of a distinctly neoliberal form of the state mode of production. Accordingly, it is clear that the administrative state can no longer be comprehended in terms of the colonial bureaucratic model or as a managerial version of social democracy (although their legacies may still exercise considerable weight in practice). This new model of state power finds justifications for spatial planning, not in abstract notions of the public interest or social justice, but as an instrument in the productivist pursuit of capital accumulation. Therefore, here it is appropriate to conceptualise contemporary developments in planning law within the framework of a neoliberal state mode of production. A second reason why new theoretical resources are necessary is that it is no longer sufficient to rely solely on ideological representations within planning discourse as the source of legal critique. If the emerging research agenda focused on the spatial dimensions of law is taken seriously, this suggests the need to develop a more explicit understanding of the spatial dimensions of planning law. In this chapter, I will argue that Lefebvre’s theory of the production of space provides a theoretical approach which is capable of accommodating these gaps in the existing literature.

3. Constructing integrated planning in Queensland

Commencing on 31 March 1998, the arrival of the IPA represents the latest ‘reform’ of the legal principles governing land-use planning in Queensland. It will be argued here that this new model of state land regulation is a local manifestation of a more global trend towards neoliberalism in planning. It follows in the wake of New Zealand’s Resource Management Act 1991 (NZ) and also has similarities with the recent overhaul of the planning system in New South Wales through the Environmental Planning and Assessment Amendment Act 1997 (NSW) and the suite of legislative enactments to ‘integrate’ planning processes in Tasmania. These legislative developments appear to

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8 This collection of legislation constitutes the Resource Management and Planning System and includes the *Land Use Planning and Approvals Act* 1993 (Tas) and the *Environmental Management and Pollution Control Act* 1994 (Tas).
be part of an emerging general trend of spatial planning “within Anglophone polities in the future, supplanting traditional urban planning systems”.9

Institutional tendencies within the Integrated Planning Act 1997 (Qld)
The proponents of the *IPA* have presented it as a radical transformation of the state land-use planning regime previously found in the *Local Government (Planning and Environment) Act 1990 (Qld)* (hereafter referred to as the *PEA*). The *PEA* signified a deliberate shift towards the incorporation of ‘environmental’ or ‘ecological’ concerns into planning, but it remained premised on local authorities assessing particular private proposals for land-use changes in terms of a broader, statutory zonal plan. Its regulatory model was structured around the planning scheme and its accompanying zonal maps, which identified acceptable uses that could be made of land within a zone. Requests by landholders or developers to change the definition of land-uses within a zone were measured in light of the planning scheme and submissions by interested members of community. The underlying principle of the *PEA* was that local councils could broadly designate particular uses within zones, while also providing detailed assessments of specific requests for land-use changes.

The impetus for the overhaul of this model of planning law came from a diverse range of political interests and perspectives. Developers had long argued for a reduction in red-tape and more ‘streamlined’ decision-making processes. The range of planning instruments and multiple approvals systems across the public sector were perceived as overly rigid and prescriptive and required too much effort and cost for individual developers. Similarly, the accommodation of ‘negotiated planning’ within zoning systems under the *PEA* created planning schemes which failed to provide certainty and clear ground rules for potential developers. Architects and planners argued that the rigidity of planning specifications under the *PEA* compromised innovation and creativity in urban design. There was a widespread view that the existing system was much friendlier to mediocre but conforming developments, than to proposals which

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might achieve superior planning outcomes through non-conforming means. Environmentalists criticised the PEA for failing to properly ‘integrate’ ecological considerations into decision-making in anything other than an ad hoc and piecemeal way. For them, planning reform presented an opportunity for the comprehensive integration of these considerations into all government decision-making and strategic planning. There was also criticism of the insufficient and inadequate opportunities for meaningful participation by resident and community groups in planning and development decisions. In particular, there was dissatisfaction with the ineffectiveness of judicial review as a means of expressing community views on particular developments. Lastly, within the public sector itself, there was considerable support for overhauling the existing land-use planning system through the implementation of micro-economic reform and the procedural integration of multiple planning processes.

Philippa England acknowledges this diversity of political actors who contributed to the debate over planning law reform in Queensland, and condenses the IPA’s reform agenda to a legislative balance between three influential tendencies:

i) the concept of ecologically sustainable development;
ii) the introduction of micro-economic reform into the public sector; and
iii) the reorganisation of the relationship between State and local governments.

While acknowledging possible conflicts between these influences, England argues their expression within the IPA demonstrates the capacity of the legislation to advance the interests of both environmental activists and developers, while also potentially enhancing community participation in the planning process. In adopting this threefold typology of reform tendencies, England’s method is analogous with the ideal-typical approach adopted by McAuslan. The difficulty with such accounts is that their explanations depend on identifiable stakeholders and beneficiaries, and therefore effectively remain at the level of interest group politics.

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By contrast, I will situate the IPA reforms within an overarching theory of the state, which will shed a different light on the influences on the formation of the IPA identified by England. This chapter will deal with the following key elements of the IPA.

i) The purpose of the Act is defined in terms of an amalgamation of two separate social functions: the pursuit of ecological sustainability and the micro-economic reform of public sector decision-making.

ii) The Act heralds the end of zoning and the introduction of performance-based planning as a means of regulating development outcomes rather than prescribing specific uses of land.

iii) It collapses the various components of development approval into a single process known as the Integrated Development Assessment System (IDAS). This system has been characterised as a “one-stop shop”12 for potential developers, thus removing the onus on the private sector to satisfy a diversity of approval processes.

iv) The IPA alters the structural relationship between the ‘central’ and ‘local’ state in seemingly contradictory ways. In one sense, it further facilitates the decentralisation of planning responsibilities to local authorities and opens them up to competition in the assessment of development from privately-certified assessors. However, it also fosters a centralisation of planning functions by integrating local authority decision-making processes with those of State government agencies.13

In analysing these elements of the IPA, I will return to Lefebvre’s methodological trinity of form, function and structure. By mapping the functional, formal and structural dimensions of the IPA and drawing out their interconnections, it will be possible to describe the overall tendencies of the Act, without reductively prioritising one aspect

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13 Additionally, the Act introduces a significant distinction between development approval and the imposition of financial conditions on development. This issue will not be dealt with in this chapter. For a commentary see England P (2001) Integrated planning in Queensland, see note 3, chapter 6. Wright describes this as a “user pays” system where “the costs of development are borne by those who incur them”. See Wright I (2001-2002) ‘Plan making and development
over the others. It will be argued that, although the IPA pursues the two functions of ecological sustainability and an agenda of micro-economic reform, both must be understood as elements of a neoliberal model of spatial regulation. This can be observed in the Act’s adoption of two strategic forms - the prioritisation of exchange value over use values (the exchange form), and the reinforcement of state strategic control in spatial planning (the integrative form). These formal mechanisms also operate structurally to impose a reorientation of relations between the central and local states. Taken alone, each of the elements of the IPA provides a description of one aspect of the Act’s regulatory armour. But when analysed together these functional, formal and structural effects reveal how Queensland’s ‘reformed’ planning system expresses an overall shift to a new model of urban governance. Implicit in my account here is an understanding of the state as a dialectical and relational entity, in which contradictory tendencies coexist, but are strategically oriented towards the generation of a particular kind of social relations. State power is conceptualised here as a dialectical ensemble, enabling unifying and fragmentising tendencies to exist simultaneously.

This analysis confronts both the limitations of McAuslan’s critical legal account of planning law and expands on England’s analysis of the IPA. Firstly, it assists in identifying the Act as a specific example of neoliberal urban governance, defined as strategic management combined with the discipline of the market. Rather than considering the various influences embedded within the IPA as ideologies or freestanding principles, operating independently of each other, it is proposed that each has been commandeered and specifically configured to assist in the pursuit of a neoliberal model of land-use regulation. So the IPA’s tendencies towards micro-economic reform, its realignment of central-local relations and its particular version of ecological sustainability can be situated within a complex of neoliberal governance strategies which are instrumental in the management and administration of space. As such, they are most effectively studied as components of a totalising, neoliberal configuration of the state mode of production. While the IPA marks a significant overhaul of the predominantly technocratic assumptions of mainstream land-use planning since the second world war, it does not constitute a complete reversal of

assessment under Queensland’s Integrated Planning Act - implications for the public and private sectors’, Queensland Environmental Practice Reporter, 7(32): 82-95 at p85.
previous planning practice. In fact its strategic legitimation of both state power and market logic reaffirms the productivist approach to state planning which has underpinned previous models of state planning in Queensland.

Secondly, the discussion of the IPA in this chapter helps us to conceptualise the IPA as something more than an instrumental and aspatial template of state intervention or social control. It is itself a spatial enterprise, which has arisen as a response to the internal contradictions of abstract space. Each of the functionalist, formalist and structuralist dimensions of the Act to be discussed in this chapter can be understood as part of an attempt to develop a model of urban governance, capable of resolving these contradictions. However, as will be argued in the next chapter they re-inscribe existing forms of spatial practice and thereby reproduce the social relations and contradictions of abstract space. As a complex of neoliberal governance strategies, the IPA’s planning regime reveals the contemporary state architecture through which the reproduction of abstract space is assured. I will now consider the functional, formal and structural aspects of the IPA in turn.

4. Function – ecological sustainability and micro-economic reform
Public guidelines for the creation of planning schemes under the IPA published by the state department administering local government, state an intention for the new Act to prioritise ‘function’ over ‘form’. Rather than requiring a planning scheme to adhere to a particular form and imposing a formal checklist of items to be included, the IPA focuses on the achievement of the broad functions of the scheme. On a cursory examination of the IPA, the most obvious of these objectives concerns the achievement of ecological sustainability through planning processes. The second major function is

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14 These contradictions include that between centre and periphery, between use and exchange and between the production of things in space and the production of space itself. See Lefebvre H (1976) The survival of capitalism, Allison and Busby, London, at pp18-9.
16 Of course there is a danger in adopting the kind of permanent theoretical dissociation between form and function which seems to be endorsed in this document. Indeed, beyond the purposes of critical analysis, it is certainly not possible to separate form and function in this way. The only reason for doing so here is to identify the functional imperatives underpinning this new planning regime. In the next section I will consider the two kinds of formalism enshrined in the IPA.
the ongoing implementation of micro-economic reform of public sector decision-making. Each of these will be considered in turn.

**Ecological sustainability in the neoliberal state**

Much of the debate that has emerged in the wake of the introduction of the *IPA* has focused on its potential for institutionalising environmental protection into the regulation of land. Defenders of the *Act* have proclaimed it as a self-conscious attempt to place environmental considerations at the forefront of planning decision-making.\(^{17}\) This confidence is sourced primarily from the insertion of the purpose clause in s.1.2.1. It asserts the intentions of the *Act* are to achieve “ecological sustainability” by –

(a) coordinating and integrating planning at the local, regional and State levels; and

(b) managing the process by which development occurs; and

(c) managing the effects of development on the environment (including managing the use of premises).\(^{18}\)

“Ecological sustainability” is defined in s.1.3.3 as a threefold balance integrating “the protection of ecological processes and natural systems” at all territorial levels with “economic development” and the “maintenance of cultural, economic, physical and social wellbeing of people and communities”. This definition deliberately avoids using the commonly accepted term *ecologically sustainable development (ESD)* which was initially formulated in the *National Strategy for ESD* (1992) and adopted in the *Environmental Protection Act 1994 (Qld).*\(^{19}\) For some, this compromises land-use planning’s overall capacity to protect the environment, by failing to attach an underlying priority to environmental considerations.\(^{20}\) The way it balances the

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\(^{18}\) Section 1.2.1, *IPA*.


biophysical, economic and socio-cultural aspects of planning has been depicted as a significant dilution of the principles of ESD. It is also a ground on which the IPA can be distinguished from the Resource Management Act 1991 (NZ) (RMA). This Act is an earlier example of a combination of the reform tendencies of ecologically sustainable development and micro-economic reform and in many respects, provided a model for the overhaul of the planning system in Queensland.21 Section 5 of the RMA entrenches a minimum level of environmental protection by defining the “sustainable management” of natural and physical resources in terms of the advancement of social, economic and cultural objectives which remain subject to the protection of ecological processes. A key reason touted at the time for the adoption of this definition was to reduce the level of discretion available to decision-makers by locking them into a “non-negotiable” environmental “bottom line”.22

For a number of environmental advocates, the ‘non-negotiable’ approach to environmental protection adopted in the RMA is attractive,23 although it has also been attacked for emphasising the biophysical aspects of the environment at the expense of socio-economic questions over resource allocation.24 These socio-economic considerations have consistently formed part of definitions of sustainable development since the Brundtland Report in 1987.25 For Philippa England the balancing approach adopted in the IPA is one answer to this problem, as it allows for the integration of the

social, economic and ecological dimensions of development. In her view, the obligation on decision-makers to integrate these three aspects represents an advance on the environmental protection offered by the previous Queensland legislation. In the PEA, decision-makers were only required to consider environmental factors, but it did not impose an obligation to incorporate such factors into final decisions.\(^{26}\) In theory, the environmental credentials of the IPA are further enhanced by the way it envisages the entrenchment of ecological sustainability through conferring pre-eminence within local planning schemes on strategic objectives known as desired environmental outcomes (DEOs). DEOs “interpret ecological sustainability in the context of a local planning scheme” and sit at the top of a hierarchy of principles within that scheme.\(^{27}\) But much will depend on the particular interpretation of ecological sustainability offered by local DEOs and there are likely to be significant disputes over the definitions of environmental value used by different councils.\(^{28}\) In addition, recent evidence suggests the courts will not attach any greater weight to ecological considerations than under the previous Act when there are conflicts with property rights.\(^{29}\)

Several commentators have identified deficiencies with the IPA’s model for advancing ecological sustainability in practice. Brown and Nitz consider the IPA’s development assessment processes have undermined the Act’s stated purpose by substantially reducing the reliance on environmental impact assessments (EIAs) which occurred under s.8 of the PEA.\(^{30}\) An EIA is not generally mandatory even for ‘impact assessable’

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\(^{26}\) England P (2001) *Integrated planning in Queensland*, see note 3, at pp36-7. In any event, England’s survey of the practical implementation of the New Zealand Act also suggests that it has not had the effect of dislodging socio-economic criteria from planning decisions and has failed to eliminate ‘discretionary’ decision-making (at pp49-51).

\(^{27}\) *ibid.*, at pp62-3. See IPA ss. 3.5.13(3) and 3.5.14(2).


\(^{29}\) Recent examples which demonstrate the use of narrow scientific definitions of ecological value include *Elliott v Brisbane City Council & Anor* [2002] QPEC 013; *George Turner and Phillip Usher Constructions Pty Ltd v Brisbane City Council and Anor* [2000] QPEC 046. Two cases under the previous Act which emphasised that no priority should be attributed to ecological factors are: *Hilcorp Pty Ltd v Council of the City of Logan* [1993] QPLR 199, at p202; and *Muirhead v Brisbane City Council* [1991] QPLR 271.

\(^{30}\) Brown A and Nitz T (2000) ‘Where have all the EIAs gone’, see note 20, at pp92-3. See Schedule 10 of the IPA.
developments (see below), but remains part of the ‘standard criteria’ considered by the Environmental Protection Agency under s.37 of the Environmental Protection Act 1994 (Qld), when assessing licences for a limited number of special State projects. Brown and Nitz argue this circumscribes and fragments the environmental impact assessment system and has introduced a high degree of discretion into the process of integrating the environmental, economic and social dimensions of planning. There are provisions in the Act which allow authorities to make information requests of development applicants as a precursor to conducting ‘impact assessments’. However under s.3.3.8, applicants have the discretion to supply all, part or none of the information requested. While this discretion is designed to prevent unnecessary processing delays, it presents the obvious danger of compromising the capacity of decision-makers to comprehensively assess potential environmental impacts in the absence of all relevant information. In addition, requests for information under the IPA and the assessment of environmental impacts of development occur after development applications have been lodged rather than operating as a threshold prior to the development process. In summary, the IPA has replaced

a mandatory obligation to carry out environmental impact assessment before a development application is lodged (i.e. in the PEA) with a discretionary obligation to carry out environmental impact assessment after the development application is lodged.

Leong also draws attention to two other restrictions on the adequacy of the environmental impact assessment system under the IPA. Unlike the PEA, the new Act does not specify minimum requirements to be satisfied in carrying out an environmental impact assessment. The powers to request information in ss.3.3.6 and 3.3.7 do not provide any mechanism for local authorities or courts to regulate the standard of

31 See s.6, Schedule 8 of the IPA. I thank Philippa England for assisting me in understanding these provisions.
32 Brown A and Nitz T (2000) ‘Where have all the EIAs gone’, see note 20, at p93.
33 See s.3.3.6(2) and s.3.3.7(2).
34 England P (2001) Integrated planning in Queensland, see note 3, at p125. It is also relevant to note that concurrence agencies are not entitled to refuse an application solely on the basis that information provided is inadequate (s.3.3.18(4)).
environmental impact assessment.\textsuperscript{36} Similarly, he suggests the time constraints imposed on decision-makers under s.3.5.7(1) (20-40 days) are insufficient to allow local authorities (particularly those that lack relevant expertise) to properly assess applications which may include complex material about environmental impacts.\textsuperscript{37} This is clearly one of the products of the micro-economic reform agenda running throughout the Act, which is oriented towards the removal of ‘red-tape’ and the alleviation of bureaucratic obstacles to development. It raises questions about the capacity of local authorities to satisfactorily carry out their extra responsibilities under the IPA. I will return to this issue when assessing the Act’s transformation of the structural relationship between the central and local state in the next section. However it reveals a second function pursued within the IPA besides ecological sustainability – that of the micro-economic reform of the administrative state.

\textit{Micro-economic reform: the practice of the neoliberal state}

As explained in the last chapter, State public sectors have been substantially influenced over the last two decades by the introduction of the new managerialism and micro-economic reform. In combination, these changes mark the transition to a neoliberal state formation. Most of the criticisms directed at the capacities of the RMA and its Queensland cousin to advance ecological sustainability have focused on the fact that these Acts pursue a second, and potentially contradictory function – the introduction of key tenets of the micro-economic reform agenda into the arena of planning law. There are numerous examples in the IPA of the prominence attached to the overhaul of the structures of planning decision-making in ways that facilitate economic growth along an orthodox productivist model. Proponents such as Kevin Yearbury clearly situate the Act as a response to the globalisation of capital and the need for planning to provide “an efficient regulatory framework that does not impose unnecessary transaction costs on business”.\textsuperscript{38} I will now describe the two major examples of how the IPA embeds the

\textsuperscript{36} ibid., at p.90.
\textsuperscript{37} ibid., at pp90-1.
functional logic of micro-economic reform in planning practice and, in doing so, sketch the parameters of its strategic pursuit of neoliberalism.

Perhaps the most obvious of these is the introduction of competition for development approval. This is achieved in part three of chapter five of the *IPA*. Section 5.3.5(1) allows private certifiers to “receive, assess and decide” *code assessable* development applications as if they were the assessment manager. At present private certification extends to building approvals assessable under the *Standard Building Regulation 1993* (Qld). Local authorities are also allowed to participate in this competition for development applications beyond their ordinary jurisdiction (s.5.3.3). This marks a direct extension of National Competition Policy (NCP) into land-use planning. Its ostensible justification is to encourage competition, greater efficiencies and to lower transaction costs for development applicants. There are four immediate consequences flowing from the introduction of competition for development approval.

Firstly, by delegating what has traditionally been a core function of urban governance – private certification threatens to fragment land-use decision-making and lead to a disjunction between assessment by the private and public sectors. Secondly, by moving decision-making away from distinctly elected bodies, it bypasses administrative law remedies including the *Freedom of Information Act 1992* (Qld). This will reduce public participation in and the accountability of assessment processes by decreasing the public’s rights to know about the reasons for decisions and to participate in decision-making processes concerning the use of space. Thirdly, it generates an ongoing conflict between the private assessor’s duty to act in the public interest (s.5.3.8(1)) and market pressures to approve applications in order to attract future custom. A common defence of private assessment in this respect is that the bounded nature of code assessment leaves assessors little room for discretion. However, this potential conflict of interest raises real concerns about the way in which private certifiers will exercise their already weak duty to “have regard to (the) Act’s purpose” (s.1.2.2(b)) and ‘balance’ the economic, social and ecological considerations implicit in the definition of *ecological sustainability* (s.1.2.1).

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Lastly, the introduction of this aspect of NCP through the IPA will increase ‘place competition’ and feeds into a wider campaign by the development sector and peak professional bodies to force cities and regions to compete with one another in reducing obstacles to development and lowering regulatory thresholds. Over a decade ago, David Harvey drew attention to the ways in which urban governance in the UK and USA was increasingly directed towards the pursuit of inter-urban competition.\textsuperscript{42} A similar trend appears to be occurring in Australia and a commonly expressed fear is that economic efficiency will become the primary concern, and social and environmental values will be relegated to a subsidiary position within land-use decision-making processes.\textsuperscript{43} Gleeson and Low identify a specific political agenda in favour of increased spatial competition in a recent Property Council of Australia report. The Property Council frames its call for national planning standards in terms of its opposition to the ‘artificial’ public monopoly on regulatory approval, and clearly embraces the move towards a national, competitive market in land-use development approvals.\textsuperscript{44} It is instructive to note how these calls for national uniformity in planning regulations radically differ from the social democratic aspirations of the post-war reconstruction agenda, 60 years ago.

Alongside these explicit NCP recommendations, the function of micro-economic reform also finds expression within the IPA’s planning regime through its removal of a number of regulatory obstacles to development which were criticised in previous legislation. Under the banner of lifting the burden of ‘red tape’,\textsuperscript{45} the IPA imposes strict time limits on development approval and supplants zoning with performance-based standards. Mention has already been made of Leong’s criticism of the deleterious effect on environmental protection that time limits on development approvals under s.3.5.7(1) will have. The primary motivation for this provision is a reduction in procedural delays.

\textsuperscript{44} Property Council of Australia (1997) \textit{Unfinished business: prospects for an intergovernmental agreement on development control}, PCA, Sydney.
Accordingly it adheres to one of the major tenets of the micro-economic reform agenda - that regulatory supervision imposes unacceptable inefficiencies and transaction costs on the development market.\(^{46}\) Additionally, the overall regulatory environment has changed significantly under the \textit{IPA}, through the development of a more strategic and performance-based form of decision-making. England characterises this process as a form of \textit{directed decision-making}, defined as

\begin{quote}
assessment against a hierarchy of principles that are internally consistent and clearly articulated. … (It) is strategic (looking to overall outcomes) \textit{and} performance based (insisting on fixed, minimum outcomes).\(^{47}\)
\end{quote}

Performance-based planning is advanced through a shift away from prescription on the basis of zonal categories to assessment of the impacts of proposed development (s.2.1.23(2)). Planning schemes will now set out performance indicators as the criteria through which the impacts of development are now assessed (s.2.1.3 (d)). As with strict time limits on approval, this reform has been designed to reduce costs and delays, and provide increased certainty for private landholders and the development industry.\(^{48}\) Philippa England identifies the provisions concerning \textit{code assessment} (ss.3.5.4 and 3.5.13) as the purest expression of performance-based planning within the \textit{IPA}. This is because performance codes lock development assessors into bounded forms of decision-making which are dependent on a hierarchy of planning principles.\(^{49}\) Instead of requiring decision-makers to juggle a competing set of principles, the new regime draws a strict hierarchy of criteria providing clear boundaries for decision-making. Therefore directed decision-making combines aspects of strategic planning already present in the \textit{PEA} with the replacement of prohibition by performance standards. With the tendency towards the conversion of more types of development to \textit{code}

\begin{footnotes}
\footnote{Moon B (1998) ‘Reforming the Queensland land-use planning legislation’, see note 11, at p26.}
\footnote{England P (2001) \textit{Integrated planning in Queensland}, see note 3, at p143.}
\footnote{Moon disputes the existence of a causal link between regulatory constraints and fluctuations in the land development sector. See Moon B (1998) ‘Reforming the Queensland land-use planning legislation’, see note 11, at p28.}
\footnote{This hierarchy ascends from performance criteria through \textit{DEOs} to State planning policies. See England P (2001) \textit{Integrated planning in Queensland}, see note 3, at p143.}
\end{footnotes}
assessment,\textsuperscript{50} there will be a distinct reduction in the level of discretion allowed in assessing development proposals. One of the effects of this is to limit the avenues for regulatory control at the level of the local state. This will also expand the opportunities for private certifiers to become involved in development assessment. These consequences for local urban governance will be considered further in section 6.

\textit{The contradictions of neoliberal planning}

It is obvious that the pursuit of micro-economic reform in the \textit{IPA} generates a tension with the principles of ecological sustainability. This point has been emphasised by a number of critics of the legislation. Bruce Moon argues that a set of convenient myths concerning the inefficiencies and obstruction of spatial regulation have allowed the ascendancy of the micro-economic reform agenda within the \textit{IPA}, which replaces regulation with an unenforceable set of performance criteria.\textsuperscript{51} He sees the same antinomies in the \textit{IPA} that Grundy and Gleeson identify in the New Zealand \textit{RMA}. They challenge the assertions of a reconciliation between micro-economic reform and sustainability and instead view the \textit{RMA} as

\begin{quote}
    an unstable hybrid of the contradictory agendas of market liberalism and environmentalism … The political intent … of the legislation is to limit intervention in resource allocation decisions and curtail the role of planning … in preference to market forces\textsuperscript{52}
\end{quote}

For these writers, the clear winner of this clash of influences is the neoliberal transformation of the public sector which swamps both ecological protection and the social democratic origins of planning. Gleeson argues this new form of planning legislation marks the triumph of an ascendant neoliberalism, oriented primarily towards an attack on planning itself. Micro-economic reform is the vehicle by which the advocates of neoliberalism pursue a double move, by constricting

\textsuperscript{52} See Grundy K and Gleeson B (1996) ‘Sustainable management and the market: the politics of planning reform in New Zealand’, see note 24, at p211.
the domain of planning (de-regulation) and then … privatis(ing) segments of the residual sphere of regulation (out-sourcing). In both instances, the raison d’etre of planning as a tool for correcting and avoiding market failure is brushed aside in favour of a new minimalist form of spatial regulation whose chief purpose is to facilitate development.\textsuperscript{53}

Moon sees it, as much as anything else, as a demonstration of an attempt to stave off obsolescence by public sector planners in the face of pressures to adapt to micro-economic reform trends.\textsuperscript{54} In response, England argues that it is an over-simplication to characterise the \textit{IPA} as solely an exercise in the ‘micro-economic reform’ of land-use planning. For her it is better viewed as an amalgam of the “concepts of ESD and public sector reform within a framework that acknowledges the major role of local government”.\textsuperscript{55} A number of tensions between the ways these agendas are expressed have already been noted, but for England, they are not necessarily irreconcilable. In theory, the integrated and directed forms of decision-making under the \textit{IPA} are consonant with ecological protection.\textsuperscript{56} However it is important to remember that this protection is essentially compromised in the definition of ecological sustainability itself, by the requirement to balance ecological factors with economic development (s.1.3.3).

Each of these perspectives provides partial illuminations of the institutional functions pursued by the \textit{IPA}. What each has in common is a recognition of the contradictory tensions embedded within the \textit{Act}. For example, England’s argument reminds us of the plurality of political influences and agents that were instrumental in the development and drafting of the \textit{IPA}. But while the tendencies that informed this process may have originated from distinct reform movements, continuing to understand them as freestanding and separate influences within the legislative apparatus hinders our ability to fully comprehend how the state operates as a total, regulatory ensemble. In the


\textsuperscript{56} ibid., at p24.
accounts of Moon, and Grundy and Gleeson, the practical effect of this type of legislation is the entrenchment of a minimalist regulatory form within spatial planning. However this can not simply be explained as the result of a disproportionate influence given to the micro-economic reform agenda or a professional abdication of planning functions in the face of the market. To properly grasp this shift, I argue it is necessary to understand the place occupied by land-use planning within the apparatus of the state. The analysis pursued here suggests that the IPA is a complex of governance strategies which pursue the state’s objectives in the production of space. Following Lefebvre, it is argued that what may superficially appear as competing functions may in fact be better understood as specific moments of spatial governance under a neoliberal state mode of production.

As Lefebvre makes clear in *The survival of capitalism*, concerns about environmental protection cannot be treated as separate issues, but the ‘environmental question’ is indelibly attached to the overall reproduction of the social relations of production. What is important is the relationship between ecological destruction and the pursuit of a productivist model of growth by the state.

The problems and concepts which have recently arisen concerning ‘the environment’, the depletion of resources, the destruction of nature, etc., only tell half the story concerning the contradictions of space. They are only fragmentary manifestations; they mask the global problem, which is the problem of space as a whole, its production and management.\(^{57}\)

As he presciently described, the emergence of new ecological scarcities, such as “water, air, daylight and space” has introduced a range of intense struggles into the province of spatial regulation.\(^{58}\) Lefebvre comprehends these struggles in terms of the contradictions which attend the reproduction of *abstract space*. These include the contradiction between the use and exchange values ascribed to space, the tension

\(^{57}\) Lefebvre H (1976) *The survival of capitalism*, see note 14, at pp19-19. He expresses a similar sentiment at p27: “It does not require much reflection to realise that ‘pollution’ and ‘the environment’ serve to conceal some even more serious and pressing problems. … The central problem is not ‘the environment’ but the problem of space.”

between the fragmentation of space and the capacity to produce space on a global scale, and socio-spatial struggles between the centre and the periphery. The intensification of these contradictions necessitates new forms of urban and regional governance and has been the cue for neoliberalism’s entrance on the planning stage. As we will see in the next section, it arrives bearing two formal strategies: the exchange and integrative forms as the means of resolving these struggles. Neither of these techniques are neutral and their functional value and cost-effectiveness cannot be dissociated from a strategic orientation towards a neoliberal renewal of productivism. This implies we should understand the ‘contradictions’ between market liberalism and the social and environmental values of ESD in the IPA as a displacement of the contradictions of abstract space. The IPA’s attempt to reconcile the formally contradictory aims of advancing ecological sustainability, and facilitate a laissez-faire approach to regulating land-uses, while also preserving the instrumental aims of state power becomes comprehensible when seen in this light.

So far, the discussion has concentrated on the two main functional imperatives embedded in the IPA’s paradigmatic change to the practice of state land-use planning: micro-economic, public sector reform and a restrained form of ecologically sustainable development. It has been argued that that the IPA is the spatial manifestation of a new state mode of production and thus, the introduction of ‘micro-economic reform’ cannot be simply characterised as a flawed, technocratic search for greater ‘efficiencies’ in the management of land development. Similarly, the IPA’s neoliberal model of urban governance should not be solely depicted in terms of the dramatic atrophy of land-use planning powers. It must be seen as a strategic movement in the overall administration of the production of space. Its entrenchment within the state has created new forms of spatial regulation embodying the discipline of the market and the streamlining and integrating of the various levels of state decision-making. In the next section, I will demonstrate this through a consideration of the forms through which the Act achieves its most significant practical effects.

5. Form: procedural integration and the demise of prescriptive zoning

Perhaps the most comprehensive of the IPA’s changes to planning practice result from its abolition of zoning and the establishment of a new model of development assessment, known as the Integrated Development Assessment System (hereafter to be referred to as the IDAS). In achieving these changes, the IPA’s model of spatial regulation adheres to two varieties of formalism. The first is demonstrated through the abolition of zoning and its replacement with a commitment to performance-based assessment. This depends significantly on the exchange form as an appropriate model for public sector decision-making, and can be seen as one part of the ‘micro-economic reform’ agenda that has transformed Australia’s public sectors over the last two decades. The second type of formalism is displayed in the IPA’s attachment to institutional integration and streamlined decision-making as the solution to the ‘problems’ of disciplinary specialisation and the multiple approvals systems characterising previous decision-making systems. The IDAS is the primary mechanism through which the integrative form is pursued in the IPA. I will consider each of these in turn.

No zone: An end to prescriptive regulation?

As we have seen, orthodox models of urban planning in post-war Australia have been synonymous with the practice of land-use zoning. Consequently it has been the focus of most critiques of twentieth century urban planning. Several accounts of the limitations and deficiencies of zoning were surveyed in the last chapter. A number of writers including Margo Huxley and Oren Yiftachel have theorised zoning, in Foucauldian terms, as a technique of social control. For them, planning in general and the zoning of urban space in particular, have played significant roles in the development of disciplinary forms of social control over urban populations. From a social

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democratic perspective, Gleeson and Low recognise that zoning assisted in the rapid
construction and sale of housing, but they point to its inability to assist in the timely
provision of urban services. For Lefebvre, zoning is a manifestation of the rationality
of habitat adopted by the technocratic planning of the post-war era. By carving space
up cartographically, zoning operationalises the logic of visualisation. While planning
attempts to integrate the various elements of the social totality, through zoning it
simultaneously “practices segregation”.

(The) same rationality which sees itself as global concretizes itself at the
analytical level. On the ground it projects separation. … (Z)oning already
implies separation, segregation, isolation in planned ghettos … Society wishes to
see itself as coherent - the obsession of an incoherent society …

Each of these ‘critical’ accounts undermines the presumed ‘neutrality’ of zoning as a
technique. However perhaps the most trenchant and successful opposition to zoning
has come from amongst the proponents of laissez-faire solutions to social problems,
who have consistently attacked it as an illegitimate intrusion into the spontaneous
operations of the market. Libertarians and the political right have argued strongly
against land-use zoning ever since the landmark Euclid case, where the US Supreme
Court established a constitutional right to use zoning as a means of controlling
development without a requirement of compensation. We have already noted the
philosophical roots of neoliberal planning in Hayek’s critique of the British Town and
Country Planning Act 1947 (UK). In that classic piece he suggests the use of

an ethnic minority’, in Watson S and Gibson K (eds) Postmodern cities and spaces, Blackwell,
see note 43, at p13.
64 Lefebvre H (1996) ‘The right to the city’, see note 61, at pp144-5
65 Village of Euclid v Ambler Realty Co., (1926) 272 U.S. 365. For accounts of the Euclid Case
see: Rose J (1979) Legal foundations of land use planning, Centre for Urban Policy Research,
Rutgers University, New Brunswick.
66 See chapter six, at pp180-1; Hayek F (1960) ‘Housing and town planning’, in The constitution
of liberty, University of Chicago Press, Chicago, pp340-57, at pp353-6. See also Paterson J,
Yencken D and Gunn G (1976) A mansion or no house: a report for UDIA on consequences of
planning standards and their impact on land and housing, The Hawthorn Press, Melbourne;

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'performance codes' as imposing ‘less restrictions on spontaneous developments’ than prescriptive forms of regulation.\textsuperscript{67} In Australia, planners such as John Paterson have adduced similar arguments for the abolition of land-use zoning and its replacement with ‘performance-based’ forms of regulation.\textsuperscript{68} Paterson (et al.) blame zoning’s generalised classifications of use for distorting ‘natural, organic relationships’ and making difficult the intermixing of different spatial uses.\textsuperscript{69} It is also attributed with imposing uniformity and a restricted range of housing types on consumers. For these writers, the solution to such problems is not to be found in the expansion of community control and participation in planning processes, but in a strict separation between “value judgments and technical facts”.\textsuperscript{70} To the extent that regulation is necessary, it should be exercised through technical standards expressed in terms of performance criteria. Therefore fairer planning outcomes will be produced by a regulatory environment which refrains from prescription and emphasises consumer sovereignty in an open market.\textsuperscript{71} It is apparent that these ideas have been codified in the \textit{IPA}’s new model planning, marking a shift from the regulation of means to the regulation of outcomes.

Zoning in Queensland is formally abandoned in the \textit{IPA} through s.2.1.23(2) which removes the capacity for decision-making bodies to prohibit categories of development or particular land uses within spatial zones. Planning schemes under the \textit{PEA} were structured around zoning maps and their tables of development prescribing “permitted, permissible and prohibited development”. This allowed extensive discussion about “the categorisation of particular development applications,”\textsuperscript{72} but little need to assess their likely impacts. By contrast, under the \textit{IPA}, land-use planning is now based on the

\textsuperscript{67} Hayek F (1960) ‘Housing and town planning’, see note 66, at p355. Interestingly, Hayek’s ideas about the appropriate structure of planning decision-making have largely been incorporated within the \textit{IPA}. “(I)t seems probable that if the codes are determined locally, the competition between local authorities will bring about a more rapid elimination of obstructive and unreasonable restrictions than would be possible if the codes were uniformly laid down by law for a whole country or large region.” at p356.

\textsuperscript{68} Paterson J, Yencken D and Gunn G (1976) \textit{A mansion or no house}, see note 66.

\textsuperscript{69} \textit{ibid.}, at p13.

\textsuperscript{70} \textit{ibid.}, at p130.

establishment of performance indicators to demonstrate the *outcomes* that are desired within areas. Zones in existing planning schemes pre-dating the *Act* are now treated as expressions of policy (s.6.1.2(3)). The elimination of zonal categories as the basis of blanket prescriptions and their replacement by performance-based planning, subjects land-use proposals to assessment according to positively-formulated outcomes. For advocates of the *IPA*, the intention behind this form of land-use control is to encourage innovative development and increase the ‘flexibility’ available to both assessors and developers.\(^73\) England raises some doubts as to whether this flexible approach necessarily favours the interests of the development sector,\(^74\) and it is too early to make a definitive assessment from the emerging case law under the *IPA*. However, in the cases of *Vynotas* and *Maxwell*, the removal of the binding force of previous zoning models was primarily responsible for the rejection of appeals against the respective development proposals.\(^75\)

The introduction of such formally ‘flexible’ land-use arrangements will also have deeper, spatial effects. These can be understood through a consideration of the social form adopted by the entry of performance standards into planning. Performance planning formally assigns an equal *a priori* status to all spatial uses and means of development, unless they contravene explicit performance standards. This removes the ability to prohibit a type of use, reducing space and its uses to a common denominator. Space becomes a veritable play of equivalences. This signifies the entry of the *exchange form* as the dominant technique for the governance of space.\(^76\) It places significant weight on the accuracy of performance standards, the absence of which will effectively designate the free market as a ‘default mechanism’ for assigning and planning for spatial uses.\(^77\) In particular, behind the representations of ‘flexibility’, the abolition of

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\(^75\) See *Vynotas v Brisbane City Council* (2001) 112 LGERA 206 (Court of Appeal) and *Maxwell v Council of the City of Gold Coast & Anor* [2001] QPEC 078 (Planning and Environment Court). Note that both these cases deal with transitional planning schemes and may not necessarily indicate the court’s future approach to planning schemes made under the *IDAS*.

\(^76\) Lefebvre H (1996) ‘The right to the city’, see note 61, at p137

zoning has made it more difficult for the state to directly control the use of space by capital. Without this capacity, the dynamics behind spatial production will increasingly be driven by the logics of capital investment and development potential. In effect, the exchange form accelerates the commodification of social space by introducing economic reductionism as the dominant normative value for planning.\textsuperscript{78}

The spatial effects of this ‘flexible’ mode of regulation\textsuperscript{79} include heightening the degree of fragmentation between urban areas, and the homogenisation of users within them. A current example that illustrates this is the restoration of a multiplicity of uses for inner-city space. One of the apparent consequences of the conversion of inner-city suburbs into combined residential, work and consumption spaces appears to be a proliferation of differences. However, in reality this enjoyment of difference is increasingly the preserve of a narrowly-defined urban elite, and non-commodified uses of space are becoming increasingly unavailable within the urban centre.\textsuperscript{80} This is one result of policies of ‘urban consolidation’ which have resorted to the market as a coordinating mechanism, while peripheral suburban expansion simultaneously continues as the template for the production of space at the level of the city as a whole.\textsuperscript{81} Intrinsically,

\textsuperscript{78} Lefebvre H (1996) ‘The right to the city’, see note 61, at p137.
\textsuperscript{80} I am grateful to Paulette Dupuy for this point. In Brisbane, this has been occurring through the disappearance of low-cost housing and the expansion of consumption spaces in inner-city suburbs such as West End and New Farm. Kurt Iveson identifies the need for a ‘critical-theoretical’ approach in distinguishing between various kinds of ‘difference’ in planning. See Iveson K (2000) ‘Beyond designer diversity: planners, public space and a critical politics of difference’, \textit{Urban Policy and Research}, 18(2): 219-38.
this accentuates the hierarchical arrangement of spaces that already existed under the regime of prescriptive zoning, but without the option of protecting particular ‘zones’ in the ‘public interest’. Interestingly, the flexibility achieved by the expansion of the exchange form into planning, continues an adherence to the same functionalist ideology that underlies Le Corbusier’s submission of the city to networks of circulation and communication: "a space abandoned to speculation and the car."\textsuperscript{82} Through this outlook, the city is conceptualised as a vessel, in which the exchange form controls the flows of beings, resources, knowledge and capital. As a model for planning, it is oriented towards increasing the hold of the market over housing, land and spatial production – a strategy characterised by Lefebvre as the “normalisation of the real estate sector”\textsuperscript{83}. Therefore, far from marking a radical change in planning practice, the \textit{IPA} may be seen as a continuation of Queensland’s protective stance towards the land development industry – a side effect of successive planning models throughout the twentieth century.

Despite the prospect of an increasing degree of planning flexibility under the \textit{IPA}, it is important to recognise the \textit{Act} does not entirely eliminate prescription from land-use regulation. As England emphasises, it shifts prescriptive techniques from the means of development to the level of outcomes. On her interpretation, this derives from the bounded nature of \textit{directed decision-making} and removes the discretionary re-zoning power which existed under the \textit{PEA}.\textsuperscript{84} Therefore decisions on development applications must not compromise \textit{DEOs} contained in a planning scheme (ss 3.5.13 and 3.5.14). Indeed, the focus on outcomes under the \textit{IPA} has the capacity, in some respects, to be \textit{more} prescriptive than the prohibitive, but discretionary regime under the \textit{PEA}. This will increase certainty for development applicants, but it also contributes to designer flexibility, as “the means of achieving the planning scheme’s outcomes is as flexible as the creativity of an applicant allows”.\textsuperscript{85} These prescriptive aspects of the

\textsuperscript{82} Lefebvre H (1996) 'No salvation away from the centre' in \textit{Writings on cities}, Blackwell, Oxford, pp205-8, at p207. See also Lefebvre H (1996) 'The right to the city’, see note 61, at p98.

\textsuperscript{83} Lefebvre H (1978) ‘Reflections on the politics of space’, see note 58, at p345.

\textsuperscript{84} England P (2001) \textit{Integrated planning in Queensland}, see note 3, at p143.

\textsuperscript{85} \textit{ibid.}, at p81.
IPA demonstrate how performance-based planning embodies a shift from zonal to strategic planning.\(^{86}\)

The integration of planning process

The strategic elements of the IPA are most clearly expressed through its commitment to integrated planning with the creation of the IDAS. Over the past three decades, a diverse range of advocates have championed ‘integrated’ forms of decision-making. Environmentalists have identified ‘integration’ as a mechanism for comprehensively situating social, economic and political factors within an ecosystem and therefore a prerequisite for ecologically sustainable development.\(^{87}\) This is an obvious justification for the appearance of ‘integration’ in both the Act’s purpose (“to seek to achieve ecological sustainability”: s.1.2.1) and in the definition of ecological sustainability (s.1.3.3). However, the use of ‘integration’ may be also explained in terms of the ascendant role of neoliberalism in the reform of Queensland’s planning laws. In neoliberal terms, integration is conceived in much narrower terms - as a means of enhancing economic efficiency and strategically focusing decision-making through a unified planning system. The integrative form pursued within the IDAS falls more comfortably into this second category. Despite the IPA’s professed commitment to ecological sustainability (s.1.2.1), its model of integrated planning is oriented towards a more limited purpose. The IDAS is designed primarily as an exercise in procedural streamlining and as a way to reduce the costs and inefficiencies associated with state planning processes.\(^{88}\) While it is acknowledged that the system has substantive implications for the content of decision-making, these flow more from the extent of its procedural renovations, than from any coordinated attempt to advance a comprehensive definition of ecological sustainability.\(^{89}\) However even in accepting the narrowness of

\(^{86}\)The prescriptive aspects of the IPA can be observed through the way it regulates prostitution in Queensland in combination with the Prostitution Act 1999 (Qld). Lee Godden argues that this regulatory system “institutes a legal framework of bodily coercion and surveillance” over sex workers. Godden L (2001) ‘The bounding of vice: prostitution and planning law’, Griffith Law Review, 10(1): 77-98, at p96.


this version of integrated planning, it is possible to recognise two distinct levels on which it deploys the integrative form. Firstly it works to bring together the various components of state decision-making in the development approval arena. Secondly, it plays an important role in structuring the involvement and participation of the public in planning decisions under the IPA. These will be considered in turn.

Obsessional themes I: integration and exchange

The statutory purpose of the IDAS is to integrate “State and local government assessment and approval processes for development” (s.3.1.1). This encompasses both the horizontal integration of local decision-making and the vertical integration of the local and central state apparatuses. It introduces a single approvals system, which encourages regulatory agencies to codify criteria and foster communication between each other. Wright has characterised this as the promotion of a ‘whole of project’ approach to development assessment within the public sector. 90 To this extent the IDAS is presented as a neutral and necessary element in the ‘modernising’ and ‘rationalising’ of land-use planning. Here I wish to demonstrate that the procedural reforms it introduces can be characterised as the product of a strategic assertion of neoliberalism in urban governance.

The IDAS consists of four stages: the application stage, information and referral stage, notification stage and decision stage. At the application stage the applicant is advised of any requirement to consult with other referral agencies (s.3.2.3(2)). The information and referral stage gives assessment managers and referral agencies the opportunity to request more information about the application and to communicate between themselves about the application (s.3.3.1). For impact assessable developments (see below), third parties may make submissions about the application and secure a right to appeal a decision to the Planning and Environment Court through the notification stage (s.3.4.1). In the final stage of the IDAS, the assessment manager makes a decision to approve all or part of the application or to refuse the application based on the information collected in the prior stages (s.3.5.11(1)). Together these impose a strict time frame and a linear sequence for the assessment of development applications.

However, whether development proposals will be subject to all four stages depends on the type of development it involves.

The *IPA* establishes a very wide definition of development, the effect of which is to uniformly bring almost all development proposals within the ambit of the *Act* (s.1.3.2). This provides a precondition for procedural integration, but is tempered by the creation of three general categories of development, two of which are not subject to regulatory oversight. Development is now classified as either exempt, self-assessable or assessable development (s.3.1.2(1)). Development permits are only required for assessable development (s.3.1.4). Assessable development is further divided into code and impact assessable types of development (s.3.1.3). England summarises the characteristics of these categories of development thus:

i) Exempt development need not comply with any codes or planning instruments (s.3.1.4(3)(b)).

ii) Self-assessable development must comply with applicable codes but does not require planning permission (s.3.1.4(3)(a))

iii) Code assessable development must obtain development approval indicating compliance with applicable codes (ss. 3.5.4, 3.5.13)

iv) Impact assessable development must obtain development approval after assessment against applicable criteria including the planning scheme (ss. 3.5.5, 3.5.14).  

The *Act* reverses the presumption of the *PEA*, and the a priori status of all development is now exempt development (s.3.1.2(1)). This can be understood as another expression of the *exchange form* within the *IDAS* model. A crucial difference between the two types of assessable development is that the public notification requirements of the *IDAS* (s.3.4.2(1)) are only required for impact assessable development. This is particularly significant in light of the pressure on local authorities to categorise an

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92 *ibid.*, at p112.  
93 The rights of third parties to appeal against development approvals to the Planning and Environment Court do not extend to code assessable development (s.4.1.28(5)).
increasing amount of development as assessable. The typology of development established under the IDAS ‘streamlines’ development approval processes by requiring regulatory intervention only in ‘complex’ situations involving “divergence from a planning scheme, public controversy or possible impacts on the environment”. 

Integration thus operates as a procedural collation of the various types of development, without imposing any comprehensive regulatory model. In this way, the integrative form complements rather than compromises the ‘flexible’ planning model introduced by the exchange form.

The IDAS holds sway as the ‘crown jewel’ of the IPA reform project and is widely accepted as establishing the Act’s credentials as a fundamental change to Queensland land-use planning laws. However, its pursuit of integration has an identifiable lineage within the annals of planning law reform and, on reflection, the aims of this project are rather more commonplace than first appears. Several commentators have traced the notion of integrated government decision-making at least as far back as the ‘strategy planning’ of the late 1960s in the United Kingdom. In that context, the overhaul of the structure of local authorities and their decision-making bodies was designed to turn them (in contemporary parlance) into “integrated management systems”.

We have already noted how, at the political level, there is a strong and obvious attachment to a variety of approaches to the idea of integration. It has been appropriated by ecologists, managerialists, proponents of micro-economic reform, all of whom set up integrated planning as a necessary counter to the disintegrating tendencies of modern state practice. This can be at least partly explained by acknowledging the discursive power of the trope of integration in structuring our thinking about forms of state action.


As described by Erich Fromm, the psychological integration of various social, economic and scientific ‘systems’ satisfies a deep need for totalising mechanisms through which future planning can be coordinated and oriented towards human values.\footnote{Fromm E (1970) ‘Humanistic planning’, in The crisis of psychoanalysis: essays on Freud, Marx and social psychology, Henry Holt and Co, New York, at pp84-7.}

The rhetorical satisfaction of this need has led to the uncritical and scientistic appropriation of integration as a neutral and essentially rational technique in a wide and conflicting array of solutions to social problems. In Lefebvre’s words, it demonstrates the extent to which integration has become “an obsessional theme, an aimless aspiration”. The frequency of its invocation is revealing.

On the one hand, this term designates a concept concerning and enclosing social practice divulging a strategy. On the other, it is a social connotator without concept, objective or objectivity revealing an obsession with integrating (to this or that, to a group, an ensemble or a whole). How could it be otherwise in a society which superimposes the whole to the parts, synthesis to analysis, coherence to incoherence, organi(s)ation to dislocation?\footnote{Lefebvre H (1996) ‘The right to the city’, see note 61, at p145.}

Given this obsessive search for coherence, the integrative form takes a variety of expressions and is pursued “at different levels and according to various modalities”\footnote{These include the market, globalised cultural forms and state actions. ibid., at p144. Lefebvre H (1996) ‘The right to the city’, see note 61, at p145.}

Hence the model of integration expressed in the IDAS can be presented as a vehicle of comprehensive environmentally sustainable planning, while actually pursuing the more restricted goal of procedural integration. But in recognising these ‘limits’, it is also important to appreciate how the IDAS performs the strategic role of bringing most levels of state decision-making under one umbrella, while simultaneously complementing the ‘flexibility’ introduced by the deployment of the exchange form in land-use planning. The interaction of these two forms under the IPA marks the subsumption of the land-use planning system in Queensland to a distinctly neoliberal governance strategy.
Obsessional themes II: integration and participation

A second level on which the integrative form is deployed in the IPA is in its provisions for the incorporation of public participation into planning processes. Like the concept of integration, participation has played a distinctive role in the discourse and development of spatial planning since the second world war. At a grass roots level, a radical participatory rhetoric has been the classic accompaniment to community activism around urban struggles for at least the past four decades. In Brisbane this has occurred in the Builders’ Labourers Federation ‘Green Bans’, struggles against freeway construction in Bowen Hills and Woolloongabba in the 1970s, and in more recent community opposition to developments in West End and the Highgate Hill ‘Gully’.

State planners have responded to these forms of grass roots activism with a range of participatory and consultation mechanisms. As in the USA (where as early as the mid-1960s the concept of “maximum feasible participation” was being utilised by state planners to incorporate community views in urban renewal projects), by the 1980s Queensland planning legislation had began to include provisions for community involvement in planning decisions. However the level and range of participatory mechanisms under the PEA were widely regarded as inadequate.

For these reasons, public participation remains at the forefront of planning theory, particularly in the research around ‘collaborative planning’ by John Forester, Patsy Healey and Jean Hillier. We have also seen its significance for McAuslan’s critique

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of planning law in the United Kingdom. Therefore the IPA may be seen as an intervention in debates over the appropriate form and degree of public participation in planning processes. It attempts to address some of the limitations on participation in earlier planning models, by bringing spatial conflicts up-front, to the formation of the planning scheme. This is achieved by focusing the involvement of interested parties at the stage of planning scheme development and amendment (Sch.1). With the pivotal role of planning schemes in the assessment of development (s.3.5.14(2)(b)), this provides an important opportunity for the critique of the local state’s core planning instruments. The IPA also appears to provide an advance on the participation provisions of the PEA through the establishment of public consultation requirements for local planning scheme policies (Sch.3) and new State Planning Policies (Sch.4).

However there has been a corresponding diminution of participation in other areas. For example, there are no participatory mechanisms for the creation of temporary planning instruments (Sch.2). In addition, the right to public consultation and third party appeal rights have been removed in respect of code assessable development proposals (s.3.4.2(1)). Assessment managers may still choose to consult with “any person for advice or comment about the application at any stage” (s.3.2.7(1)), but there is now an observable distinction between the participatory mechanisms available for impact assessable development and other types of development assessment. Given the strong likelihood, and State encouragement, of an increasing number of development types being classified as code assessable development, this significantly reduces the scope


106 ibid., at p70.

107 ibid., at p98. See also Department of Communication and Information, Local Government and Planning (1999) Preparing IPA planning schemes, see note 15, at p22 and p30.
of the public participation mechanisms within the IPA. In any case, even when avenues of public consultation and participation are available, it has been argued that they do not provide any greater opportunity for the public to affect planning outcomes than the situation under the PEA.

In no situation, for instance, is the requirement on decision-makers any more onerous than a duty to consider and sometimes respond to submissions from the public. Public participation in the IPA adheres to the accepted, essentially instrumental view that it is ultimately the duty of duly elected representatives to make decisions for the community.¹⁰⁸

So formal participation into the drafting of state policies and planning schemes appears to have increased, while it has simultaneously been constricted in respect of particular development applications for most development types. This underlines the importance of community groups participating early in the formation of planning schemes, as making submissions on individual applications has become a less effective means of participation.¹⁰⁹ One possible reason for this move is to control disorderly manifestations of community participation, such as third party appeals. The effect is to incorporate participation into the planning processes of central and local institutions, but only on terms established by the state. In other words, as a model of public participation primarily concerned with integrating non-state actors into state policy formation, it is a manifestation of the integrative form. The resolution of this inevitable tension between integration and participatory practice in the IPA,¹¹⁰ is resolved through subsuming the latter within the former. Although depicting the planning of another


¹⁰⁹ England P (2001) Integrated planning in Queensland, see note 3, at p88. Unfortunately, in many cases an organised community group many not exist prior to a particular development proposal. In such cases, wider public involvement is more likely to occur during the public notification stage of the IDAS than at the early stage of plan formation. Therefore, the reduction of avenues of participation throughout the IDAS for code assessable development effectively removes the only opportunity for many to be meaningfully involved in the development approval process.

¹¹⁰ ibid., at p55.
place and another era, Lefebvre’s identification of the relationship between integration and participation eerily prefigures this conjuncture.

Another obsessional theme is participation, linked to integration. … In practice, the ideology of participation enables us to have the acquiescence of interested and concerned people at a small price. After a more or less elaborate pretence at information and social activity, they return to tranquil passivity and retirement. … Integration and participation obsess the non-participants, the non-integrated, those who survive among the fragments of a possible society and the ruins of the past: excluded from the city, at the gates of the urban.¹¹¹

For him participatory planning can only be meaningful under circumstances of resistance to the state orientation towards procedural integration.

Could urban life recover and strengthen its capacities of integration and participation of the city … which cannot be stimulated either by authoritarian means or by administrative prescription, or by the intervention of specialists? … Is it not clear that real and active participation already has a name? It is called self-management.¹¹²

Lefebvre’s challenge here has a number of important implications for the role of participation as a guiding norm for public law, which will be considered in the next chapter.

The preceding discussion has identified two formalistic strategies adopted by the state through the IPA. Both of them are crucial to our understanding of the philosophical influences on the Act and its role in the production of space. While it is true that the IPA continues a tradition of functionalist instrumentalism, the full dimensions of this are only revealed though its attachment to both the exchange and integrative forms. As a result, neoliberal planning must be understood as a more complex project than a caricature of laissez-faire, using the simple metaphor of the ‘rolling back’ of the state and its activities.¹¹³ This depiction fails to capture the ways in which neoliberalism has

¹¹² ibid., at pp145-6.
reconfigured state intervention. Therefore it is necessary to recognise that its adherence to the exchange form and the acceleration of capital’s commodification of space is accompanied by the internal integration of various elements of the state apparatus. This marks a strategic reconfiguration of state planning from “a regulatory land management tool” to “a facilitative component of state economic policy”\textsuperscript{114} The shift from zonal to strategic planning reveals how neoliberal urban governance constitutes the “political, institutional and geographical reorganisation” of state intervention\textsuperscript{115}

6. Structure: integration, decentralisation and centre-periphery relations

The third and final facet of this ‘project’ of neoliberal planning to be considered in this chapter is its structural agenda, which is concerned with a reconfiguration of central-local state relations. This is an agenda which has been pursued by a number of other recent reforms to the local government and planning systems in Queensland\textsuperscript{116} In this section, attention will be drawn to the manner in which the IPA embraces the seemingly contradictory tendencies of centralisation and decentralisation, and thereby restructures the relationship between the central and local states\textsuperscript{117} The Act is premised on a tension between a partial decentralisation of decision-making responsibilities and the reassertion of hierarchical control by the central state. This structural process is an interesting phenomenon in itself, but it also reveals a spatial reordering at the heart of the neoliberal project. In addition to the spatial and geographical ‘impacts’ of neoliberal urban governance mentioned in the last section, the IPA respatialises the internal structures of the state. The exchange and integrative forms play crucial roles in this structural spatialisation of intra-state relations.

Socio-legal relations and the local state

Over the past two decades, a growing body of literature has been concerned with the local dimensions of state activity. Numerous studies have investigated changes in the


\textsuperscript{117} Here, the term ‘central state’ refers to the Queensland government, in recognition of the supervening power that the States wield over local government in Australia’s constitutional structure. The ‘local state’ is discussed in depth in the next section.
structure of local authority power and have demonstrated the global tendencies that have accompanied the ascendency of neoliberal forms of urban governance. A key analytical device that has emerged in this work is the concept of the *local state* - as a means of denoting how local government constitutes a specifically ‘local’ element within the state as a whole. The term originated with Cynthia Cockburn’s pioneering study of the nexus between central and local power in the London Borough of Lambeth. Despite the functionalism that infects Cockburn’s structuralist-Marxist analysis, the utility of the term as an analytical concept survives. A justification for its use in explaining the role of local government in Queensland’s system of spatial planning is that it provides a mechanism for understanding the connections and structural relations between the State government and local authorities. The jurisdictional tensions embedded in these relations are immediately apparent. On the one hand, local councils are repositories of a range of powers, including the regulation of development and other land-uses. But at the same time, they remain subject to the superior authority of the State government. In certain regards, it can even be argued that they operate as vehicles of State government policy – or agents of the central state. The manifestation of this tension in the *IPA* will be explained as a conflict between decentralising and centralising tendencies within the state apparatus. Hence, a conception of the local level of government as the *local state*, allows it to be structurally positioned within this contradictory relationship.

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These relations between the central and local states have continuing relevance for legal scholars in both the United States and the United Kingdom. Gerald Frug has explained the relative powerlessness of local authorities in the USA as the historical product of an inability within liberal political theory to conceive of ‘intermediate’ bodies between the central state and individuals.\textsuperscript{122} In the United Kingdom, the situation is somewhat different. Martin Loughlin describes the tension between “centralisation and ‘autonomous’ decentralisation” in English public law as linked to a long tradition of local self-government, dating back to before the existence of a formal, central government.\textsuperscript{123} Despite these ancient origins, it was not until the twentieth century that the modern form of local government in England was established.\textsuperscript{124} With the general growth in number of responsibilities undertaken by the welfare state during the past 100 years, the central state passed service provision and regulatory functions to a large number of “semi-autonomous agencies”. In this context, Loughlin attempts to avoid the dualistic categorisation of the local state in terms of either autonomy or agency of the central state\textsuperscript{125} by arguing

the modern institution of local government should essentially be seen as an agency which is both equipped with a considerable capacity for independent action but is locked into an extensive network of government.\textsuperscript{126}

The years following the election of the first Thatcher government in 1979 saw radical changes introduced into the structure of local government, which contributed to a breakdown of the traditional relationship between the central and local states in the United Kingdom. Loughlin depicts this process as the “juridification of central-local government relations” and it included the imposition of market rationality and strict legal duties on local authorities, as well as the establishment of mechanisms of strict supervision over their decision-making processes.\textsuperscript{127} For Loughlin, these changes have

\textsuperscript{124} ibid., at p79.
\textsuperscript{126} Loughlin M (1996) Legality and locality, see note 123, at p80.
imposed an intolerable burden on a system of judicial review incapable of developing “a set of sound principles for regulating the central-local relationship”. 128

Local authorities in Australia have their own unique status, but there are some parallels with both the USA and the UK cases outlined above. As with American cities, Australia’s system of government has historically been ambivalent about local government, which did not form a part of the early colony’s administrative framework. 129 It was not until the late 1890s that mandatory systems of local governance were established across the country, largely to force local communities to “take greater responsibility for the cost and management of locally-delivered services”. 130 Yet by the 1920s, there was a comprehensive system of local government in place in every state. The creation of the city of Greater Brisbane in 1924 stands as the most significant achievement of this era. While Australia’s federal constitutional structure makes it difficult to generalise about the degree to which local authorities in Australia are autonomous actors or agents of the central state, in Queensland there has been a tradition of devolving responsibilities for the control and planning of land-uses to the local level. Despite the breadth of these powers, 131 local councils in Queensland are still legally subordinate to the State government. In light of this, there can be no automatic comparison with the systematic political assault on local power in the United Kingdom. However, some aspects of Loughlin’s thesis of the juridification of central-local relations have relevance for contemporary Queensland developments. In particular, the IPA demonstrates a number of similar tendencies towards the submission of the local state to the discipline of the market and the imposition of strategic control through institutional integration. It is to this structural reconfiguration of intra-state relations embodied in the IPA that I now turn.

131 For an account of the granting of the ‘general competence power’ to the Greater Brisbane Council as a means of overcoming the doctrine of ultra vires, see Tucker D (1981)
Integrated planning and the local state

Although there is still no constitutional recognition of the local state in Australia, its importance in the administration and governance of space has been increasingly acknowledged over the past 15 years.\textsuperscript{132} This is evidenced by a number of initiatives and agreements involving local government associations and the Commonwealth and Queensland governments. At the national level, the Australian Local Government Association (ALGA) signed an accord with the Commonwealth in 1995 which secured the representation of local authorities in national forums, in exchange for support of a number of national priorities.\textsuperscript{133} The micro-economic reform of local government decision-making was first explicitly pursued through the establishment of the Commonwealth Local Approvals Review Program (LARP). LARP focused on the removal of inefficiencies and duplication in local regulation through streamlining decision-making into a single approvals system. This foreshadowed a number of the changes to development approval introduced by the \textit{IDAS}. Lastly, the local government sector was involved in the attempts to better integrate the various levels of state urban planning through the ‘Building Better Cities Programme’ from 1991-96.\textsuperscript{134}

At the State level, the Queensland government and the Local Government Association of Queensland (LGAQ) entered into the \textit{State and Local Government Planning System Protocol} in 1993. The same year saw the Legislative Assembly enact the \textit{Local Government Act} 1993 (Qld) (\textit{LGA}). This \textit{Act} was the first thoroughgoing reform of the existing local government laws since 1936. The \textit{LGA} has been presented as enhancing the status of local government and introducing “flexibility, modernisation and

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\textsuperscript{132} A 1987 referendum proposal addressing this situation was rejected.
\textsuperscript{133} Chapman identifies these general priorities as micro-economic reform, urban reform, social justice, environmental management, regional development, employment and training opportunities. Interestingly the accord did not mention increased funding for local government. See Chapman R (1997) ‘Intergovernmental relations’, in Dollery B and Marshall N (eds) \textit{Australian local government: reform and renewal}, Macmillan Education, South Melbourne at pp54-5.
\textsuperscript{134} Blair Badcock demonstrated the ways in which this programme was quickly shaped to fit the federal ALP government’s micro-economic reform agenda, and emerged as a productivist vehicle for the national provision of physical infrastructure. See: Badcock B (1993) ‘The urban
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accountability” to local authority administration. However, it is also clear that the *LGA* combines the techniques of the ‘new managerialism’ with the principles of National Competition Policy. Therefore the *LGA* laid much of the groundwork for the structural shifts in central-local state relations which have accompanied the introduction of the *IPA*, and can be viewed as a strategic application to the local state, of the neoliberal principles which have now come to dominate land-use planning generally.

Philippa England describes the *LGA* and the *IPA* as altering the relationship between the central and local states as part of a generalised reform program to expand the roles and responsibilities of local government. In her analysis, the central-local nexus embodies the third major reform vector underpinning the *IPA*. Perhaps the most obvious shift in this relationship is the greater responsibilities imposed on local authorities under the *IDAS*. Local government decision-makers are now primarily designated as “assessment managers” for development applications within their territorial unit (s.3.1.7(1)). This means they are now “responsible for processing and coordinating development approval processes including those of State departments.” Therefore, local authorities have been placed in the key administrative role of coordinating the various development approval agencies and ensuring applicant compliance with their obligations under the *Act*. In addition, they have now been transferred responsibilities for assessing the environmental impact of development applications through information requests

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136 Some of the most important changes introduced by the *LGA* involve requirements on councils to develop corporate plans (ss. 418-9), and provisions concerning competitive tendering (ss. 484-90) and contracting out (s.481). The Act separates the ‘strategic’ and policy-making roles of elected office-holders from the management and implementation of council decision-making by the CEO and council staff (s.722). Underlying these legislative reforms is a combination of National Competition Policy principles and the introduction of the ‘new managerialism’ to local government structures.
138 *ibid.*, at p26. Section s.3.1.7(1), *IPA*. 
These changes see the central state apparently ceding a number of regulatory powers to peripheral organs of government.

One way of conceptualising this shift is as a decentralising tendency within the IPA’s architecture. This is an explanation which fits neatly with the tenor of much of the mainstream reformist movements in Australian public administration. Arguments for decentralisation and the enhancement of local authority power have a solid history within the traditions of both social democracy and, more recently, social democratic managerialism. The classic example is provided by Gough Whitlam’s proposals in the early 1970s for a constitutional reconfiguration involving the abolition of the states and the establishment of a federation of regional authorities. Proposals such as these have never seriously threatened the existing federal structure, but the idea of entrenching urban governance at the local level has continued to influence the recent expansion of local government roles noted here. This reveals the rhetorical power of ‘decentralisation’ as an organising principle in the current reform of land-use planning laws. Hence there is a certain plausibility characterising the IPA’s shifting of responsibilities in the direction of the local government as a program of decentralisation. However it is questionable whether such an account accurately captures the structural changes that the IPA introduces to central-local state relations. In the present conjuncture, it is possible to identify other, less ‘parochial’ influences that have moulded the intra-state shifts contained in the IPA reforms. In particular, it is argued that the Act’s structural changes are a local manifestation of a global form of spatial planning – one which is consonant with the rise of a neoliberal state mode of production. Two points are pertinent here.

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Firstly, the ‘decentralisation’ of planning functions under the IPA does not consist of a simple, open-ended transfer of power to the local level. The changes introduced by the IDAS have significant implications for the administrative workloads of local authorities and without adequate resources, poorer councils will find it difficult to effectively perform their regulatory functions and provide the ‘streamlined’ decision-making system the Act is intended to produce.\textsuperscript{142} Mention has already been made of the possible negative effects on environmental protection of transferring these responsibilities to councils with a lack of expertise in environmental planning.\textsuperscript{143} This is exacerbated by the way the IDAS imposes strict time limits on assessment managers and accordingly constrains the decision-making capacities of the local state (s.3.5.7).\textsuperscript{144} Secondly, and more radically, the Act introduces competition for development approval between local councils and privately certified entities, and between local councils themselves (s.5.3.3). Subjecting the activities of the local state to the discipline of the market undermines its capacity to act independently in the pursuit of a notional ‘public interest’. Both the restrictions due to increased workloads and time constraints, and those imposed by the introduction of competitive relations at the local level mark the deployment of the exchange form within the structure of the state itself. The effects of this are to facilitate a fragmentation of the local state’s regulatory functions and a heightening of tendencies towards spatially uneven development.\textsuperscript{145} Therefore, it is clear that the decentralising moment within the IPA is much more complex and contradictory than the simple characterisation of a transfer of power to local governance structures.

Instead, I will propose a new way of conceptualising the central-local relationship within spatial planning. The IPA’s structural reorientation of intra-state relations is not

\textsuperscript{144} ibid., at pp90-1.
mono-directional, but must be understood as constituted through a *dialectical* movement between central control and local power. Alongside its decentralising tendencies, the *IPA* also contains a significant and identifiable drive towards *centralisation*, which is predominantly an operational product of the *integrative form*. The *IDAS* is designed to streamline and unify the plurality of pre-existing administrative processes concerning land-use. On the one hand, it places the coordination of decision-making in the hands of local authorities, which has the consequences, noted above, of fragmenting the state’s overall regulatory functions. However, at another scale, the bringing of the local state and State referral bodies within a single decision-making process through the *IDAS*, strategically positions local authorities as administrative functionaries in the regulation of spatial production. It is therefore plausible to argue that the central state has passed on the costs of coordination responsibilities to its peripheral organs – while retaining its distinctly central, policy-setting powers. As described by Lefebvre,

> Government projects (of decentralisation) have always, in fact, had only one aim: to offload some of their responsibilities on to local and regional organisms while preserving the mechanisms of power intact.  

This centralising tendency is made even more apparent by the clear reserve powers of the State minister to override local authorities in specific instances to protect State government interests. These include the powers to direct local authorities to review their planning schemes (s.2.3.2), to designate land for community infrastructure (s.2.6.1(1)) and to “call in” or re-decide an application (s.3.6.6(1)). The exercise of the call-in power negates any pre-existing public rights of appeal against decisions (s.3.6.7(1)(e) and (f)).  

Less ad hoc and more long-term future influence will be wielded by the development of State planning policies and their gradual integration into local planning schemes. The effect of this will be the creation of uniformity in planning schemes by gradually increasing central control over local planning processes.  

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146 Lefebvre H (1973) *The survival of capitalism*, see note 14, at p87.  
148 I am grateful to Philippa England for these insights.
Therefore, whatever greater responsibilities have been passed on to local councils under the IPA must be assessed in the context of their integration into the overall policy framework of the Queensland State government. This can be described in Lefebvrean terms:

Without losing its sacred property, i.e. its ‘sovereign unity’, power gears itself down into partial powers. It seeks, by delegation, to maintain or recapture the institutions which constitute it and which have a tendency to detach themselves and establish their own independence.  

So it is clear that the exchange and integrative forms are implicated in this reconfiguration of intra-state relations carried out by the IPA. Considered alone, the centralising impulses of the integrative form do not necessarily present a radical departure from the planning model found in the PEA. But when its centralising and decentralising moments are viewed as part of an overall regulatory ensemble, the IPA signifies a clear structural break with previous models of planning, and the conscious adoption of a neoliberal model of urban governance.

7. Conclusions: neoliberal urban governance and the production of space

It is now possible to make a general assessment of Queensland’s new regime of integrated planning. I have portrayed the IPA as delineating the most prominent contours of a new paradigm of urban governance. But in doing so, I have countered some of the more extravagant claims about the Act as a radical shift in planning philosophy and practice. In many respects the IPA will continue the form of spatial production that was dominant under previous land-use planning regimes. At the height of the colonial bureaucracy, planning was characterised by a coalescence of technocratic functionalism, a visualised aesthetic formalism and the imposition of state structural power. In Lefebvre’s terms, these interacting elements defined the operation of the rationality of habitat. Through an analysis of the functional, formal and structural dimensions of the IPA, the three preceding sections have explored how this rationality has been reformulated under this Act.

The *IPA* has moved away from the predominantly technocratic functionalism which characterised planning under the colonial bureaucracy. In its place, a new functionalist style has been adopted, through the internal micro-economic reform of state structures and a formal attachment to ecological sustainability. These two potentially contradictory *functions* can be best understood as dual sides of the neoliberal mode of urban governance. On one hand it introduces exchange relations to planning decision-making, while on the other it introduces strategic managerial control in an attempt to resolve the spatial contradictions engendered by a productivist model of growth. Therefore it is not surprising that environmental protection is compromised through the balancing of ecological factors with economic development.

In addition, the redefinition of the *rationality of habitat* in the *IPA* embraces a combination of the *exchange form* and the *integrative form*. These two forms deliver the Act’s most important changes to planning practice. As I described in the last section, the latter’s reorganisation of the internal architecture of the state, reveals the strategic elements of the *IPA’s* neoliberal agenda. It reconstitutes the *structural* relationship between the central and local states by centralising power for large-scale spatial policy and infrastructure projects, while decentralising the delivery of local planning services to local authorities and the private sector. Even more significantly, the ascendancy of a new formalism of exchange subjugates the potential socio-economic reform dimensions of planning to market relations and thereby accelerates the commodification of space. The exchange form intensifies the homogenisation of spatial relations within particular localities, while fragmenting and compartmentalising space according to its exchange value. At the macro level, this technique will increase place competition, fragment land-use decision-making and contribute to a hierarchy of uneven spatial development. Meanwhile, it reinforces the necessity of the individualised ‘plot’, which strategically normalises the commodification of space and supervises its entry into the private real estate market.

These effects reveal the nature of the *representations of space* generated by the *IPA’s* regulatory architecture. Space is conceived in the *IPA* as fragmented, homogenised and

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hierarchically organised. Despite the alterations it makes to traditional planning processes, it is apparent that the Act will continue to reproduce the social relations of abstract space through other means. Lefebvre describes this scenario in the following terms:

Space, occupied by neo-capitalism, sectioned, reduced to homogeneity yet fragmented, becomes the seat of power. … (It) is increasingly seen overtly to be the milieu for an increasingly conscious and treacherous strategy, which is hierarchising … space … into more or less favoured zones destined either for a great industrial and urban future, or for a controlled, closely supervised decline.  

These representations of space “converge” with attacks on the urban by the private sector. The bureaucratic rationality of state planning thus conflates ‘public’ space with the ‘private’ space of the hegemonic class … that … retains and maintains private ownership of land and of the other means of production. It is therefore in appearance only that the 'private' sphere is organized according to the dictates of the 'public' one … The whole of space is increasingly modelled after private enterprise, private property and the family - after a reproduction of production relations paralleling biological reproduction and genitality."

This reinforces the dominance of a segregated spatial practice, defined in terms of deconcentrated suburban settlement, private home-ownership and the logic of the ‘plot’. The ongoing commodification of space that results strengthens aggressive tendencies towards quantification, which Lefebvre describes as extending from ‘housing’ into the natural features of space and the bodies of users themselves. The process of quantifying space is “technical in appearance, financial in reality, and moral in essence,” and imposes

152 Lefebvre H (1973) The survival of capitalism, see note 14, at p83 and p87. For a discussion of the contradictory tensions between the centralised state and tendencies towards decentralisation in the context of France during the 1960s, see ibid., at pp349-51.
155 ibid., at p339.
156 ibid.
the constraints of exchangeability on everyday life, while presenting them as both natural (or normal) and technical requirements - and often also as moral necessities … ‘Private’ property entails private life - hence privation.\textsuperscript{157} 

The submission of urban planning to market exchange thus sets itself against the city\textsuperscript{158} and brings forth a new body of aesthetic values – what one might characterise as an ‘ascetic aesthetic’.

In conclusion, the IPA can be characterised as an example of governance under a neoliberal state mode of production. It facilitates the circulation of capital and embeds it within socio-spatial relations, while strategically reinforcing central control within state institutions. In addition, it can be considered as the contemporary juridical form, through which the abstract space of Australian suburbia will continue to be reproduced. However, it would be unwise to assume that this regulatory form operates as a static or monolithic bloc, free of tensions and conflicts. On the contrary, Lefebvre’s emphasis on the open nature of the social totality usefully reminds us of the dialectical, relational and spatial character of the state. The state is an ensemble, which both produces and is host to a body of specifically spatial contradictions. On occasion, these contradictory relations assert the inherently political nature of space. In the next chapter, I will consider how these contradictions of abstract space suggest new ways of understanding the relationship between the users of space and the administrative state.

\textsuperscript{157} ibid., at p338. Here Lefebvre makes reference to Marx's denunciation of economism as organised asceticism making "common cause with the moral order".

\textsuperscript{158} Lefebvre H (1996) ‘The right to the city’, see note 61, at p79.
Chapter Eight
The administrative state, critical legal theory and the production of space

1. Introduction: space, law and production

The last three chapters have demonstrated the methodological importance of understanding space as produced in any critical account of its regulation. By focusing on space as a means and a force of production, as well as its status as a product, it was possible in chapter five to redescribe the emergence of suburbia as a complex of spatial relations, embodying technological imperatives, ideological constructions and the exercise of state power. The last influence is most clearly evidenced in the regulation of space through the state planning apparatus. The historical origins and philosophical bases of post-war spatial planning were interpreted in chapter six, through Lefebvre’s account of a particular form of bureaucratic thinking - the rationality of habitat. In the last chapter I argued that the juridical architecture for the regulation of space introduced by Queensland’s IPA, can be conceptualised as a key contributor to the reproduction of the fragmented, hierarchical and homogeneous social relations of abstract space.

These investigations presuppose a rethinking of planning and forms of spatial regulation as simultaneously embodying the productive and spatial dimensions of state power. Consequently, one of the main contributions of this thesis has been a demonstration of how Lefebvre’s ideas can contribute to a critical planning law, with the potential to elevate the field’s importance from its current, marginal status within socio-legal research. However I also want to extend my analysis beyond the limits of spatial planning, and consider the relevance of Lefebvre’s work for a more general study of juridical relations. My aim in this chapter is to demonstrate the relevance of Lefebvre’s account of the production of space, for a critical approach to public law. In the first instance, his theoretical perspective can help to explain some of the effects on public law which have been generated through the shift to a neoliberal state mode of production. Secondly, by returning us to the inherently political nature of spatial relations it suggests certain implications for the ways in which critical questions about public law are currently framed.
I will begin by revisiting the IPA and defining the explicitly spatial contradictions that are crystallised through its strategic deployment of the exchange and integrative forms. Three of these contradictions have particular implications for the critical study of public law. The first two concern the contradiction between the centre and the periphery, and the tension between the potentially ‘global’ capacities of the state and the fragmented forms through which it exercises its power. Both can help to describe the regulatory changes due to the rescaling of state power that have occurred during the transition to a neoliberal state mode of production. The third contradiction is that between the use and exchange values attached to space.

This last contradiction raises the endemic problem of the appropriate mechanisms for the systemic expression of the interests of the users of social space. It has particular relevance for one of the central preoccupations of administrative law scholarship over the last two decades – the articulation of the field’s normative justifications. The values that tend to recur most often in the literature as prime ‘normative’ candidates, are those of participation and accountability. An early and now ‘classic’ example can be observed in Tony Prosser’s articulation of a research agenda for the study of public law, that draws on the resources of a Habermasian version of ‘critical theory’.

Even if its theoretical inspiration is not always acknowledged, this normative paradigm has found expression in a significant body of public law scholarship, and there are many examples within the field which make reference to one or both of these values. Recently, a number of public lawyers have been drawn to the new institutional and regulatory forms that have emerged under neoliberalism as an empirical source for a reinvention of administrative justice and its legitimating norms.

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My task here is a different one. I will explore the implications of the spatial contradictions engendered by the contemporary state form for critical thinking about public law. Accordingly, I will suggest a need for caution in ascribing too much explanatory power to the norms of participation and accountability as abstract concepts, both in describing the Anglo-Australian public law tradition and in developing future regimes of administrative law. One of the key characteristics of contemporary bureaucratic institutions is a ‘despatialised’ form of democratic governance, in which the norms of participation and accountability are respectively reduced to the increasingly monadic and fragmented forms of the ‘speech act’ and the fetish of the visual.

Exploring this territory returns us to the fact that the production of any space inevitably involves a certain politics emerging from collective struggles over spatial uses. This assists in overcoming the mistaken assumption that the neoliberal state mode of production operates as a closed or omnipotent system. On the contrary, it contains contradictory spatial elements, from which spring possibilities for challenge, confrontation and resistance. These possibilities suggest an alternative form of legal politics – one presupposing a respatialisation of social relations.

2. Public law and the contradictions of abstract space
Like any exercise of state power, urban and regional planning is a contradictory enterprise and, as we have seen, the reform process that produced the *IPA* was constituted by a plurality of competing interests. But the *IPA*’s model of urban governance, harbours a number of deeper contradictory relations which are characteristic of abstract space. These include the spatial contradiction between centre

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and periphery, and the contradiction between global power and the fragmentation of space. These two contradictions allow us to reflect more deeply on the nature of neoliberal urban governance. In the last chapter, I noted the difficulty of ‘balancing’ ecological protection with the requirements of micro-economic reform within the *IPA*. It appears inevitable that ecological sustainability will be constantly threatened with subsumption by the productivist orientations of a neoliberal agenda. However what is more interesting in this example, is that it manifests a displacement into the juridical field of the contradictions of space. This provides a local example of a more general shift within the project of neoliberalism itself.

As has become increasingly clear around the world, managing neoliberalism’s own contradictions demands more than an acceleration and extension of market relations, and the intensification of processes of commodification. It also requires the establishment of new regulatory institutions, which are capable of securing legitimacy for neoliberalism as a political project.\(^5\) Cities have been the places where such strategic exercises in neoliberal institution-building have been most forcefully pursued. Indeed “cities have become increasingly central to the reproduction, mutation, and continual reconstitution of neoliberalism”\(^6\). As Brenner and Theodore describe since the early 1990s, the reproduction of neoliberalism has become increasingly contingent upon specifically urban strategies of various kinds. In other words, the point is not only that neoliberalism affects cities, but that cities have become key institutional arenas in and through which neoliberalism is itself evolving. (Accordingly), … the implementation of neoliberal strategies in cities has entailed, not the *rolling* back of state intervention, but rather its political, institutional, and geographical reorganization.\(^7\)

Therefore the *IPA* can be considered as a demonstration of the fact that “securing the neoliberal project” has become dependent upon “adequate forms of urban

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Indeed Brenner characterises the emergence of neoliberalism, as a key strategy in the provision of a spatio-temporal ‘fix’ for a fresh round of global capital accumulation. Rather than destroying state power or ‘rolling it back’ in a monolithic sense, neoliberalism has contributed to a process of state “rescaling” through which new forms of regulation have appeared at the supranational and subnational scales. This new form of governance constitutes a reterritorialisation of the state form, which has been shaped significantly by two spatial contradictions. Firstly, the contradiction between the centre and the periphery has reconfigured the relations between the central and local states and realigned the regulatory capacities of each. As described in the last chapter, the IPA reproduces this conflictive relation and even inscribes it within the structures of the state. The interaction between the exchange and integrative forms reinforces the dialectical tension between the concentration of wealth, knowledge, information and power by the centre, and the expulsion of peripheral elements. In this way, the IPA continues to facilitate the contradiction between the urban centre and deconcentrated, suburban settlements that has traditionally characterised urban planning in Queensland.

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This realignment has also rendered increasingly irrelevant the imagined distinction between public and private on which the field of public law has been traditionally premised. The neoliberal state has progressively introduced private sector management techniques into public administration and public bodies are increasingly modelled on private sector corporate entities. Likewise, self-regulation and privatisation have extended previously public functions into what was once commonly known as the private sphere. These changes make the task of ascertaining the applicability of administrative law principles a much more complicated affair than was the case during the high point of the post-war welfare state. In Lefebvrean terms, this dilemma manifests a second spatial contradiction between the continued capacity of the state to exercise global power and the increasingly fragmented forms through which it is exercised.\textsuperscript{14} It demonstrates

\begin{quote}
a deeper conflictive relation … between … the \textit{fragmentation} of space (its \textit{practical} fragmentation, since space has become a commodity that is bought and sold, chopped up into lots and parcels; but also its \textit{theoretical} fragmentation, since it is carved up by scientific specialisation), and … the global capacity of the productive forces and of scientific knowledge to produce spaces on a planetary and even interplanetary scale.\textsuperscript{15}
\end{quote}

This contradiction is grounded in the material processes of state rescaling, and brings the very legitimacy of the field of public law into question. A common response to this contradiction within administrative law has been to argue for the application of traditional principles to both public and private sector bodies. The most significant judicial decision here remains the rather unsatisfactory attempt by the English Court of Appeal in \textit{Datafin}\textsuperscript{16} to define grounds for judicial review of a non-statutory, self-regulatory regime in terms of a new functional definition of the ‘public’. Clearly there are limits to the value of this solution, which merely defers the definitional question about the source of power to a question about which functions are

\begin{footnotes}
\item[15] Lefebvre H (1976) \textit{The survival of capitalism}, see note 14, at p19 (italics in original).
\item[16] \textit{R v Panel on Take-overs and Mergers; Ex parte Datafin plc} [1987] QB 815
\end{footnotes}
appropriately designated as ‘public’. It is also inadequate because of the limitations of traditional administrative law mechanisms in regulating the more complex governance environment that has emerged under neoliberalism.\(^\text{17}\)

For Geoff Airo-Farulla, a more appropriate response involves “reinventing” administrative law principles to enhance the collaborative possibilities of governance mechanisms such as self-regulation and policy networks.\(^\text{18}\) In this scenario, administrative lawyers have the task of monitoring the standards of governance that are produced by these decision-making mechanisms and are therefore under an urgent obligation to renew the normative frameworks which guide this field of law.\(^\text{19}\) The inevitability of this task of normative re-evaluation has been a common refrain amongst critical public lawyers during the last two decades.\(^\text{20}\) However, the literature has tended to return consistently to a broadly democratic paradigm revolving around the two norms of \textit{participation} and \textit{accountability}. In the next section, I will introduce a note of caution and, with the assistance of Lefebvre’s theory of the production of space, identify some of the problems of taking this normative paradigm for granted.

3. The spatial relations of administrative justice

In exploring these aspects of the administrative state, I will draw on a third contradiction engendered by the \textit{IPA}’s planning regime. This is the conflict between the use of space and its exchange value, which is primarily generated in the \textit{IPA} through the deployment of the \textit{exchange form} as an instrument of spatial governance. As discussed in chapter six, previous models of planning utilised zoning techniques premised on a technocratic functionalism and a visualised, scientistic formalism. These theoretical influences were responsible for flattening space and ‘preparing the ground’ for abstraction. Therefore, the operational rationality inherent in zoning directly


\(^{19}\) \textit{ibid}, at p292.

engendered the fragmentation, homogeneity and hierarchical arrangement of abstract space. The performance-planning model in the IPA removes this form of spatial intervention from the state’s armoury. As a result, the local state is no longer charged with direct responsibility for allocating spatial uses, but must designate overall outcomes and performance standards in advance. In the absence of strict DEOs, the power to carve up space into particular zones has been displaced to the market. This is combined with a reassertion of State government control over large-scale projects and matters where its interests are at stake. While this is formally a significant change from previous planning models, by rendering exchange value the dominant mechanism for the determination of spatial uses it actually enhances the tendencies towards abstract space. Attempts to reinstate use, through the appropriation of spaces threatened by commodification, must continually confront the power of exchange value in this regard.

Productivist rationality which tends to suppress the city at the level of general planning rediscover it in the controlled and organised consumption of a supervised market. … (T)he city is reconstituted at the level of executions and applications, by institutions of power.21

This returns us to the importance of the urban in Lefebvre’s social theory. More than simply the physical site of spatial struggles, Lefebvre posits the urban as the classic embodiment of use value, holding out the potential for its renewal and resurgence vis-à-vis exchange. Urban space is “a model, a perpetual prototype of use value resisting the generalizations of exchange value in a capitalist economy under the authority of a homogenizing state.”22 When the spatial reinstatement of the primacy of use over exchange succeeds, it restores the creative production of the city as oeuvre, in opposition to tendencies towards the commodification of space. Lefebvre depicts this struggle as the passage from the domination of abstract space to the appropriation of space.23 Just as the IPA’s legitimation and promotion of an increasing commodification of space constitutes a denial of use, in turn it is confronted by a reappropriation of space by the body, in the name of use. This marks a conflict

between representations of abstract space - propounded by the state and the market -
and contradictory representation spaces, established through creative ‘moments’
within everyday life and struggles for the development of counter-spaces.

This contradiction, between the state-mediated demands of the market and the
reassertion of use by spatialised and politicised bodies, again highlights the relevance
of Lefebvre’s analysis beyond the confines of spatial planning. It marks a fault line
for political struggles questioning existing rights to control and commodify social
space and therefore raises questions about the appropriate forms for expressing the
relationship between state power and public right. One of these questions is the long-
standing political and legal problem surrounding the means of systemically
accommodating the interests of the users of space. It was noted in the last chapter,
that this has been expressed within the domain of planning law through the adoption
of the rhetoric of ‘participatory democracy’.24 But because these legal and political
issues extend beyond the parameters of land-use planning, it is no surprise that the
problematic of participatory democracy has been widely adduced as a normative
framework for critical accounts of constitutional law,25 administrative law26 and
regulatory phenomena.27 The classic justification for the development of public law’s
normative agenda along these lines can be found in Tony Prosser’s re-framing of
administrative law within the conceptual terms of Jurgen Habermas’ theory of
communicative action.28 I will briefly describe his account and, with the help of
Lefebvre, identify some of its limitations for a general ‘critical theory’ of public law.

24 See chapter seven at pp181; McAuslan P (1980) The ideologies of planning law, Pergamon
Press, Sydney, at pp269-74.
26 Frug J (1990) ‘Administrative democracy’, University of Toronto Law Journal, 40: 559-
The rationality of bureaucracy, see note 2.
Public law and critical social theory

Prosser asserts the inadequacy of the traditional, common law or "red-light" accounts of public law for "dealing with power relationships in a post-liberal capitalist society".\textsuperscript{29} This Gesellschaft model of law as a collection of formal rules restraining state action in the defence of the private rights of equal individuals was finally rendered irrelevant by the fundamental changes in the structure and functions of the capitalist state during the second half of the twentieth century.\textsuperscript{30} These changes included the increasing state role in the provision of social welfare, the subsidisation of capital accumulation, state interventions in the economy, the interpenetration between the state and civil society and specifically corporatist forms of policy development.\textsuperscript{31} Together they led to a distinctly bureaucratic-administrative form of regulation in which new forms of legal ordering were developed to enable the state to flexibly intervene across a range of social sites. As described by Poulantzas, in the regime of modernist bureaucratic decision-making, law was no longer "confined to the mould of general, formal and universal norms",\textsuperscript{32} but paradigmatically defined as the discretionary application of policy in specific concrete conjunctures. Accordingly, public law could no longer be understood through a model resting on the classical liberal separation of the individual and state.

For Habermas, the wide-ranging interventions of the post-liberal welfare state, increasingly politicised areas of social life hitherto governed by private forms of ordering. As a consequence, bureaucratic-welfare states were led into crises of legitimation.\textsuperscript{33} In response, the state attempted to develop new modes of legitimation based on technical or instrumental, scientific rationalisations for decisions. Crucially this involved the penetration or imposition of norms developed in the sphere of

\textsuperscript{29} ibid., at p1. This account of the role of administrative law has also been termed "red-light" by Carol Harlow and Richard Rawlings. See Harlow C and Rawlings R (1997) Law and administration, 2\textsuperscript{nd} ed, Butterworths, London, at p7.

\textsuperscript{30} ibid., at pp2-4.

\textsuperscript{31} These developments are also noted by Roberto Unger as partly responsible for the crisis in the liberal rule of law see Unger R (1976) Law in modern society, Free Press, New York, at pp192-200.

instrumental action on the sphere of communicative action. In the terminology of Habermas’ early work on communicative competence this has created "systematically distorted" forms of communication, as the consensual norms applying to rationally justified discourse are displaced by those oriented towards instrumental and political functions. Using these insights, Prosser suggests the rationale for public law should be understood as a mechanism to combat the constant threat of a legitimation crisis for public power.

He argues that the state’s attempts to maintain legitimation will be unable to avoid crises if decision-making processes are not based on domination-free forms of dialogue. Legitimation in the public sphere can only be successfully pursued under a procedural regime that is institutionally configured towards an "ideal speech situation". To this end, Prosser suggests two organising institutional concepts for the development of a critical theory of public law.

The first is participation; however deficient its implementation in practice may be, this concept is centred around the development of institutions for the expression of the ideal of discussion free from domination, with equal power to affect decisions given to all affected. The second basic concept is accountability, which is centred around the development of the means to ensure that justifications in the form of reasons must be given for action. It is around these concepts that I would advocate public law’s future development.

The limits of participation and accountability

Since this piece was written, participation and accountability have gained widespread acceptance in critical legal accounts as the appropriate standards by which administrative decision-making should be measured. Whether the inspiration

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36 ibid., at pp9-11.
37 ibid., at p11 (italics in original, footnote omitted).
continues to derive from the work of Habermas or is based on a more general theory of democracy, these two norms have assumed a form of orthodoxy in theoretical treatments of the relationship between law and state. However, appeals to these values have drawn opposition from writers who reject them as the wrong criteria by which we should assess the systemic world of administrative decision-making. A good example is W T Murphy’s scathing critique of the approach taken by both Prosser and Harden and Lewis in which he directly challenges the utility of Habermas' system - lifeworld distinction as the basis for a critique of public law.

Murphy asserts that by seeking to reform the administrative and legal systems by reference to concepts such as communicative rationality, participation and accountability which derive from the lifeworld, these authors introduce a category mistake into legal analysis. Despite its superficial plausibility, the thesis of the colonisation of the lifeworld by the values of the system holds little value for the critique of administrative justice. Accordingly, it is also a mistake to assume that the introduction of these ‘democratic’ values to the legal and political spheres will simultaneously benefit community democracy and improve the efficiency of decision-making. Hence the generation of a programme of reform of public law within the system by reference to the criteria of the lifeworld becomes concretised as the rather bizarre proposal that the English courts can or should become the site of some rejuvenated public sphere. And the proposal is bizarre for the simple reason that whatever is immanent in the system of the administration of justice,

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41 ibid., at pp152-3 and p157.
it is not democracy, accountability or participation in the modern, rather ungrounded, sense of these terms.\textsuperscript{42}

Murphy’s criticisms attack the very premise of employing the model of participatory democracy as a normative guide for public law. My own concerns move in an opposite direction and I argue that the participatory democratic theoretical paradigm within public law will remain compromised if it takes existing review mechanisms as sufficient models on which to base a democratic legal practice. Lefebvre’s conceptual tools suggest a way of questioning the capacity of the norms of participation and accountability to deliver on the democratic claims that have been made for them.

Firstly, we may consider procedural fairness, which is often considered a model form of participation in administrative decision-making. Equally, it is the commonplace target of criticisms that existing systems of administrative justice within the common law world embody particularly restricted forms of participation. Indeed, the classic Australian test for procedural fairness outlined by Mason J in \textit{Kioa v West},\textsuperscript{43} is a paradigmatic model of the narrowest forms of participation. Eric Tucker aptly portrays the discourse surrounding the right to be heard as imposing, at best an obligation to listen without a closed mind and to respond. … This limits the range of participatory rights one can realistically seek. It does not include more popular or democratic forms of participation.\textsuperscript{44}

\textsuperscript{42} \textit{ibid.}, at p153  David Jabbari advances a related argument that it is inappropriate to introduce theories and models of thought \textit{external} to legal studies for the purposes of pointing out the contradictions within the existing system and suggesting proposals for reform. He therefore dismisses the importation of concepts developed in political or social theory for the critique of public law, as it can only further ‘marginalise’ critical legal thought from mainstream scholarship. See Jabbari D (1994) ‘Critical theory in administrative law’, \textit{Oxford Journal of Legal Studies}, 14: 189-215 at pp191-2. For a critique of Harden and Lewis which argues for a more intensive form of immanent critique see Pearson G and Salter M (1999) ‘Getting public law back into a critical condition: the rule of law as a source for immanent critique’, \textit{Social and Legal Studies}, 8(4): 483-508.

\textsuperscript{43} \textit{Kioa v West} (1985) 159 CLR 550, at 587. The test requires the decision-maker to give the affected person notice of “the critical issue or factor on which the administrative decision is likely to turn so that he may have an opportunity of dealing with it”. (sic)

A similar criticism can be made of the rules of standing. Although a number of recent cases have effectively relaxed standing for organisations which are members of “policy networks”, the material effect of this change is to continue the restriction of access to the courts to groups who can demonstrate their legitimacy through involvement in governmental consultative processes. This means the right to participate is tied to the question of whether a party has an antecedent right to ‘speak’. In Lefebvrean terms, this relies on a dominant ‘neo-Cartesianism’ within existing systems of administrative justice, which collapses the complexity of social relations into a discursively constituted mental space. Participation is thereby reduced to a monadic discursive act. The theoretical effects of this can be seen in the public law scholarship inspired by the Habermasian critical tradition, in which social conflict becomes redefined as a communication problem. Systems of public law then theoretically become mechanisms in the search for ‘ideal speech' acts between the individual and the state. Lefebvre describes such institutional solutions, which attempt to reduce social conflict to a conversation as espousing “the fetishisation of communication - the replacement of use by exchange.”

Accountability too, is widely embraced within theoretical accounts of public law. A large body of work now exists on the evolving nature of accountability mechanisms for

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both public and private decision-makers in the neoliberal state.\textsuperscript{47} Yet there is still a common tendency for accountability to be conflated with the fetish for openness or ‘transparent’ decision-making.\textsuperscript{48} Although by no means the only way in which the term accountability is understood, it is a common justification for freedom of information and whistleblower legislation, and it is often a concern in writing on ‘contracting out’ and the privatisation of public services.\textsuperscript{49} However, in the era of neoliberalism, there are dangers in over-emphasising the democratic potential of openness and transparency in the absence of more fundamental changes to institutional structures. Lefebvre provides a clear warning of this in \textit{The production of space} where he emphasises the pervasiveness of the \textit{logic of visualisation} in modern social thought. In his terms, the rhetoric of accountability has the tendency to reproduce the illusion of transparency - where space appears as “luminous”, readily understood and imposing no constraints on action.\textsuperscript{50}

This illusion reductively flattens the volume of space onto a surface\textsuperscript{51} and the transparent readability of a depth-less, apolitical space is thereby taken as \textit{truth}. Through a deployment of the \textit{logic of visualisation}, the state is read as a transparent space, innocent and immediately decipherable - eliminating the need for critical analysis. Just as participation is readily reduced to a purely discursive field, the illusion of transparency identifies social space with mental space and thereby conflates social

\textsuperscript{47} For a recent overview of the literature see Scott C (2000) ‘Accountability in the regulatory state’, see note 2.
\textsuperscript{50} Lefebvre H (1991) \textit{The production of space}, at pp27-8.
\textsuperscript{51} \textit{ibid.}, at p313.
practice with language.\textsuperscript{52} Taken abstractly, the dogged pursuit of accountability can easily provide a misleading and inaccurate picture of the transparency of the state and its institutions. Like the institutions of justice and the police, the bureaucracy is supposed to be, aspires to be, ... and perhaps even believes itself to be 'readable' and transparent, whereas in fact it is the very epitome of opacity, indecipherability and 'unreadability'. The same goes for all other state and political apparatuses.\textsuperscript{53}

Therefore without further interrogation, there are clear tendencies for participation and accountability to collapse into the tropes of \textit{communication} and \textit{transparency}, whose reductive powers assist in reproducing existing social relations. While Lefebvre’s spatially informed critique helps us to understand these tendencies and their limitations, it cannot provide a ready-made alternative normative framework for public law. What it can do is suggest a number of elements that critical public law scholarship needs to consider if it is to take the question of space seriously. These will be considered in the next section.

4. Differential space and the politics of everyday life

In order to draw out some of the implications for administrative decision-making suggested by Lefebvre’s analysis, it is necessary to return, yet again, to the politics of space. It has been argued throughout this thesis, that the production of space is a fiercely contested process, one that pitches forces struggling for the reassertion of use values against those of exchange and commodification. Establishing the primacy of use holds the potential for an emancipatory transformation of spatial relations – moving from the domination inherent in abstract space - to the appropriation of space. While the urban provides a prototype for such a transformation, Lefebvre also depicts the appropriation of space by its users, as involving the restoration of the whole body in its relationship to space. This incorporates the importance of the body’s rhythms and gestural systems in the occupation and habitation of space. The appropriation of space therefore brings all the senses to the fore. It recognises the living body as a

\textsuperscript{52} \textit{ibid.}, at p28.
\textsuperscript{53} \textit{ibid.}, at p149.
producer of space and an inevitable generator of differences. Accordingly, Lefebvre gives this potentially appropriated spatial formation the designation of *differential space*. Taking a cue from this couplet of the urban and the body, Lefebvre proposes a political strategy for the production of differential space, which rests on the actualisation of two spatial demands - the **right to the city** and the **right to difference**.

*The appropriation of space: the right to the city and the right to difference*

The right to the city extends beyond a visitation license or a right of return to the centre by those groups who have been expelled to the peripheries. It is neither a natural nor a contractual right, but is grounded in both the entitlement to physically occupy urban space and the right of citizens to appear in all the networks and circuits of decision-making which are relevant to the production of space. For Lefebvre this originates not in a bureaucratic ideology of participation, but emerges from the essential qualities of the urban – as centrality, as gathering, and as convergence. The right to the city “gathers the interests … of the whole society and firstly of all those who inhabit”, and directs them towards processes of spatial production. A number of writers have proposed this concept as a possible basis for the replacement of formal notions of citizenship with a broader notion of ‘urban citizenship’ based around the occupation and inhabitance of space. More importantly for present purposes, the right to the city

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throws open all decisions which are implicated in the production of space, including many determined outside the boundaries of the formal state apparatus. By embedding decision-making rights in the *inhabitation* of space, the right to the city challenges all restrictions on public participation in formally private forums. Therefore, the right to the city constitutes a clear breach to the fictional division between the public and private spheres that continues to preoccupy discussions within administrative law scholarship.

A logical companion to the right to the city is the right to difference. This arises partly from the essential qualities of the urban as an “ensemble of differences” – a place of encounter and simultaneity. It also derives from the bodily requirement to escape the homogenising categories of abstract space.⁶⁰

(T)he body takes its revenge … (it) tends to behave as a *differential field*. It behaves in other words, as a *total* body, breaking out of the temporal and spatial shell developed in response to labour, to the division of labour, to the localizing of work and the specialization of places.⁶¹

An expansion of this list of corporeal resistances may proceed by analogy, to include the entitlement of the body to assert itself beyond the narrow administrative classifications, which control the right to speak and reduce participatory democracy to a passive spectacle. Accordingly, the right to difference presupposes the engagement of the total body in its use of space. This contrasts with the predominance of the verbal and visual realms that follow from the reductive tendencies towards *communication* and *transparency* in contemporary forms of administrative justice.

These two rights provide an alternative standard for measuring the content of administrative justice and imply a more radical version of democracy than is envisaged by the current normative agenda within public law scholarship. Significantly, they

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shift the problematic of democracy away from formal state institutions and orient it towards the appropriation of space by its inhabitants.\footnote{Lefebvre (1991) \textit{The production of space}, see note 13, at p384.} This presupposes the generation of a \textit{spatial practice} of the whole body – a concrete actualisation of \textit{representational spaces}. Such a spatial practice involves a restructuring of everyday life in response to the transitory ‘moments of presence’, which provide windows to an unalienated world. Through returning to the everyday, we are also led back to suburbia as the spatial arena in which the potential production of ‘counter-spaces’ must take place. In the opinions of both its detractors and its supporters, Australian suburbia is generally regarded as an unlikely site of social struggle. As Tim Rowse describes, for most commentators, “‘suburbia’ is a society without history or politics.”\footnote{Rowse T (1978) ‘Heaven and a hills hoist: Australian critics on suburbia’, \textit{Meanjin}, 37(1): 3-13, at p12. However note Humphrey McQueen’s recognition of a shift from the politics of production to the politics of consumption that has been expressed within suburbia. McQueen H (1988) \textit{Suburbs of the sacred: transforming Australian beliefs and values}, Penguin, Ringwood, at p39.} It remains largely dominated by exchange values in the form of an acquisitive consumerism and high levels of private homeownership. In Lefebvrean terms, as a manifestation of the ideology of the ‘plot’, it continues to express the fragmented, homogeneous and hierarchical social relations of abstract space.

But it is precisely in the midst of abstract space, that its contradictions provoke resistance to the dominant \textit{representations of space}. The contours of a political reassertion of the urban and difference can be observed in struggles for the control of space by its users and inhabitants, both within the planning system and in challenges to the bureaucratic power of the administrative state more generally. The right to the city and the right to difference therefore provide an imagined juridical framework for this political transition to \textit{differential space}, portrayed by Lefebvre as the self-management of everyday life.\footnote{See Lefebvre H (1973) \textit{The survival of capitalism}, see note 14, at pp120-27; Lefebvre H (1979) ‘Space: social product and use value’, see note 22, at p294; Martins M (1982) ‘The theory of social space in the work of Henri Lefebvre’, see note 60, at pp183-4.}
5. Conclusion

In this chapter I have argued that the contradictions of abstract space have implications for the administrative state beyond the concerns of spatial planning. Firstly, the contradictions between centre and periphery, and between the global capacities and fragmentary forms of state power, have both been demonstrated to be present in the reterritorialisation of the neoliberal state. Secondly, the conflictive relation between use and exchange highlights some of the problems with the existing normative framework for public law, and suggests an alternative based on the spatial rights to the urban and to difference. At this point we necessarily arrive at the limits of Lefebvre’s theoretical work for a certain kind of socio-legal scholarship. Like many examples of radical critique, Lefebvre keeps questions about institutional construction within the domain of political struggle - a familiar refuge of many tendencies within critical legal thought. Accordingly, his philosophy does not easily translate into a discourse of institutional design or provide a template for new governance structures. As Lefebvre freely acknowledges, the assertion of the right to the city and the right to difference defers to a utopian political moment, or in his terms a “possible-impossible” - a *representational space* ‘beyond’ the law.

However, the utopian dimension of his thought is suggestive of new ways of thinking critically about public law. Through articulating the political dimensions of space, Lefebvre’s social theory and particularly his insights into the production of space provide a vocabulary for the *critique* of existing institutional forms. This presents one means of questioning the liberal paradigm of participatory democracy which has emerged as a form of orthodoxy within critical public law scholarship. By relinquishing the utopian moment, and reducing legal struggles to *procedural* questions of participation and accountability, this school of thought fails to be either a sufficiently

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65 This political resolution of questions of legal critique was a familiar strategy amongst the ‘first wave’ of critical legal scholars, including Roberto Unger, Duncan Kennedy and Allan Hutchinson. See Manderson D (2001) ‘Apocryphal jurisprudence’, *Studies in Law, Politics and Society*, 23: 81-111, at p86.


critical or a truly public law. The value of Lefebvre’s work for this field lies in its challenge to this orthodoxy and in its reminder to us of the spatial relations within which law is embedded.
This thesis has been a contribution to an expanding field concerned with the interdisciplinary connections between law and geography. The emergence of this field has followed and to some extent has been influenced by, the ‘spatial turn’ in the social sciences during the last three decades. However, one of the limitations of existing ‘law and geography’ research, is that its theoretical foundations remain underdeveloped. In particular, insufficient attention has been paid to the conceptual role of ‘space’ in this area of socio-legal thought. As explained in chapter one, most of the theoretical writing in the existing literature on law and space has either relied upon the methodology of legal pluralism\(^1\) or has used space as a metaphorical device to signify indeterminacy and the importance of local context in social explanation.\(^2\) The starting point for this study was an attempt to broaden the theoretical horizons of this field, by drawing on the work of Henri Lefebvre. His great influence on critical geography and cultural studies, and the major role he has played in the development of the ‘spatial turn’, have not been widely recognised within socio-legal studies. This thesis is therefore the first comprehensive account of his work within the discipline.

I was initially motivated by Lefebvre’s sophisticated theory of the socially produced character of space to pursue two inquiries about the relationship between law and space. The first concerns the role that law plays in the production of space. The second deals with the implications of the production of space for critical thinking about systems of public law. In addressing these two areas of inquiry, I have not only engaged the resources of Lefebvre’s theory of space, but have also used his investigations into everyday life and his writings on the state and urban planning. This has been necessary because an understanding Lefebvre’s account of space will remain incomplete if


detached from the context of his overall intellectual trajectory. Accordingly, in chapters two and three I provided a detailed survey of his work in which I identified the characteristic features of his social theory – his humanist Marxism, his emphasis on the importance of alienation and his embedding of social explanation within a concept of an open social totality. In particular, I concentrated on his writings on everyday life, his treatise on the production of space and his theory of the state.3 In chapter four, I distilled three methodological themes from Lefebvre’s oeuvre which have structured the studies conducted in chapters five to eight. These themes are: the socially produced nature of social space, Lefebvre’s anti-reductionist approach to understanding spatial relations, and the political implications inherent in the production of space.

Addressing the first question about the role of law in the production of space occupied most of the discussion in Part II of this study. My inquiry has primarily focused on the land-use planning system and its role in producing the space of Australian urbanised regions. The relevance of Lefebvre’s work for the circumstances of spatial production in Australia was demonstrated in chapter five through a consideration of the geographical site of suburbia, as the dominant model of settlement space in Australian cities. Drawing on material from the disciplines of cultural studies and urban sociology, I outlined the influences of technology and industrialisation, ideological factors and the role of the state, on the emergence of deconcentrated forms of settlement space in Australian cities. Lefebvre’s theory of space and his writings on urbanisation were then used to redescribe suburbia as a form of abstract space – simultaneously fragmented, homogeneous and hierarchically organised.

One clear gap in the literature on Australian suburbia, is the lack of a fully developed account of the state’s contribution to the production of this form of settlement space. In particular, the importance of urban planning in the shaping of suburbia has not generally been acknowledged. Therefore, in chapter six I provided a short historical overview of post-war urban planning in Australia in order to explain this form of state intervention.

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through Lefebvre’s theoretical lens. Federal government interest in urban issues has been sporadic and for most of the past century, urban planning has remained a combined local and State government concern. At the local level, the dominant planning technique has been land-use zoning which, through its tendencies towards the fragmentation, homogenisation and hierarchical ordering of space, has been a classic mechanism for the production of abstract space. In Queensland, this local form of land-use regulation was pursued in tandem with the productivist development policies of the State government. Considering these two aspects of the state apparatus in combination, allows us to understand urban planning as a manifestation of the rationality of habitat – a type of bureaucratic thinking embodying technological functionalism, a visualised formalism and a structural prioritisation of expert authority. In this guise, planning can be understood as part of an overall state mode of production that emerged in the post-war period.

Towards the end of chapter six, I noted that in the last two decades, there has been a shift from this post-war state form to a neoliberal state mode of production. Driven by the rise of the ‘new managerialism’ and the introduction of micro-economic reform to the public sector, this new state formation is now expressed in the most recent changes to the spatial planning system in Queensland. In chapter seven, I considered the legal architecture structuring this shift which is embodied in the Integrated Planning Act 1997 (Qld) (IPA). I described the functional, formal and structural aspects of this Act as a means of investigating how the rationality of habitat has been reformulated under neoliberalism.

In particular, I identified coexistence of two forms: the exchange form and the integrative form which introduce the most significant changes to planning practice under the Act. The exchange form can be observed in the abolition of zoning and the introduction of performance standards into planning. Through these changes, the IPA places an increasing reliance on the market as a default mechanism for controlling spatial uses. One way in which the integrative form operates in the IPA is by further integrating local authority decision-making with the structures of State government agencies, while many of the more costly aspects of managing land-use decision-making have been devolved to the local level. This form has also been utilised in the incorporation of public participation into the design of planning schemes, while
restricting more disorderly public challenges to development applications at later stages of the decision-making process. These two forms have introduced significant procedural changes to the practice of urban planning, both by integrating diverse decision-making processes and by subjecting those processes to the pressures of a competitive market. However this reformulation of the rationality of habitat, will not dramatically alter the material and spatial effects of planning. By reinforcing the spatial contradictions between use and exchange and between centre and periphery, the IPA will continue to produce suburban settlements according to a template of the fragmented, homogeneous and hierarchical social relations of abstract space.

These three chapters have demonstrated the fertility of Lefebvre’s work for exploring the relationships between law and space. He provides an explanatory framework for understanding the emergence of the spatial organisation of Australian cities and the theoretical and historical foundations of urban planning, as well as contributing the methodological resources for a critique of the legal structure of neoliberal urban governance. The use of Lefebvre in this way, is the first serious attempt to develop a critical planning law since Patrick McAuslan’s pioneering work over two decades ago.4

But Lefebvre’s theoretical perspective has a number of other implications for the spatial dimensions of public institutions beyond the domain of spatial planning. In chapter eight I outlined the implications of Lefebvre’s thought for a future research agenda within public law more generally. While law plays a significant role as a producer of space through spatial planning, it must also be acknowledged that spatial production shapes and structures the state and public institutions. I focused on two potential areas of research which could benefit a Lefebvrean analysis. The first is the development of a theoretical framework that can help to explain the changes in public law which have occurred as a result of the emergence of the neoliberal state. I suggested that the spatial contradictions of abstract space have structured the reterritorialisation of the state form under neoliberalism, and that this provides one way of conceptualising the spatial dimensions of the shifting public/private divide which occupies much contemporary discussion about public law. Secondly, I argued that the spatial contradiction between use and exchange raises a challenge to an existing orthodoxy within public law

scholarship which revolves around the values of participation and accountability. Using insights from The production of space, it was possible to critique these two norms and show how they are regularly collapsed into the despatialised tropes of communication and transparency. By contrast, the contradiction between use and exchange returns us to the political nature of the production of space, as signalled by two unfulfilled spatial demands - the right to the city and the right to difference. Together they resist the domination of abstract space and lay claim to a differential space - a space of appropriation.

While differential space remains within the realm of the social imaginary, Lefebvre’s work forcefully demonstrates the material possibilities for differently produced spaces. By emphasising the tendencies towards use over exchange, simultaneity over dispersal, difference over repetition and appropriation over domination, he consistently challenges us to recognise how the transformation of social relations presupposes the production of new spaces. Exploring the role of law in the production of these spaces remains the task of future critical legal geographies.
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