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► **To cite this version:**

Emmanuel Négrier. A French Urban Powershift? The Political Construction of Metropolization. French Politics, 2003, 1 (2), pp.175-198. 10.1057/palgrave.fp.8200027 . hal-02488112

HAL Id: hal-02488112

<https://hal.umontpellier.fr/hal-02488112>

Submitted on 28 May 2024

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A French Urban Powershift? The Political Construction of Metropolization

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This paper analyzes the implementation of a new tool of institutional cooperation in France, the *Communauté d'agglomération* (Community of Urban Areas, CUAs). It does so by drawing upon 10 case studies of newly formed CUAs. CUAs are becoming increasingly common in France's historically fragmented system of local government. The paper begins by describing the rules of the new system and their political consequences. It then goes on to evaluate the salience of two competing explanations of political activity in relation to CUAs: *territorial political culture* (i.e. context) and *institutional learning*. The paper then assesses the relative importance of three dimensions of institutional building. The first is the *political leadership*. The second concerns the *incentives for cooperation*, focusing on financial support and the prefect's capacity to impose a process of municipal integration. The third is the *democratic dimension* of CUAs. Many politicians and scholars have criticized these institutions because of what is thought to be their democratic deficit. This discussion is then related to the more general debate about participatory and/or representative democracy in France.

French Politics (2003) 1, 175–198. doi:10.1057/palgrave.fp.8200027

Keywords: France; decentralization; metropolization; leadership; political culture; local democracy

Introduction

Many scholars have pointed out that structural gaps exist between urban social behavior, functional problems, and institutional answers to the goals of metropolization (Lefèvre, 1998; Jouve and Lefèvre, 1999a, b; Stephens and Wikstrom, 2000). An overview of the situation of large Western cities, such as Amsterdam, Athens, Barcelona, London, Montreal, and Rome, confirms such an assessment, even if substantial differences exist between spatial, institutional, and political situations (Négrier, 2002). This paper analyzes the French implementation of a new institutional tool of cooperation, the *Communauté d'agglomération* (Community of Urban Areas),¹ through a panel of 10 case studies (Baraize and Négrier, 2001a, b). In order to share ideas about this



process, it is necessary first to provide some information about the French context, and then to briefly describe the institutional design of the new rules and their consequences on the overall French political landscape.

It is well known that France presents two contrasting judgments about local governance (Négrier, 1999). The first one involves its high number of municipalities (36,700, as much as in the 14 other European member states put together). The second deals with the fact that in order to face this overcrowded administrative-political landscape, around 18,000 inter-municipal cooperation structures have been created (surely an overcrowding solution for solving overcrowded patterns of government!). These structures are generally under local political control, so territorial cooperation has largely depended on political agreements between local politicians who, for the same reason, have been unable to face the problems of global metropolization. This phenomenon is generally explained as the result of 'Jacobinism', where the interest of the central state is to keep cities under-extended and politically weak in order to preserve its monopoly of power. Such an explanation can only be partially true, for even a Gaullist government in 1971 tried to merge the communes (although it failed dramatically). This difficulty in merging municipalities (to adapt local political boundaries to new policies and urban life goals) is not a French exception: merging local institutions of government has only been successfully implemented in Northern European countries and Greece (Négrier, 2001a, b; Hlepas, 2002). Moreover, even in such countries, the merging of municipalities has not achieved an optimal convergence between urban policies and urban political institutions. Consequently, it has also resulted in the development of urban structures of cooperation.

In France, this has been implemented through a plurality of formulas such as *Syndicats intercommunaux à vocation unique* (intercommunal associations with single attribution), *à vocation multiple* (intercommunal associations with multiple attributions), districts, *Communautés de communes* (communal communities), *communautés de ville* (urban area communities), *syndicats mixtes* (mixed associations), *chartes intercommunales* (intercommunal agreements), and other structures, which have been invented (and never abolished) at different periods. All of these represent attempts to compensate for the failure to merge communes. This piling up of cooperative structures has often been denounced as inefficient, expensive, and politically impenetrable. The institutional response in the Chevènement Law of 12 July 1999 was to 'reinforce and simplify' this cooperative landscape through a distinction between three demographical categories: the *Communauté de communes* (communal communities) formula under 50,000 inhabitants; the *Communauté d'agglomération (CUA)* formula between 50,000 and 500,000 inhabitants; and the *Communauté urbaine* (urban community) above 500,000 inhabitants.



The conditions for the creation of these new bodies were simple but radical:

- two-thirds of municipal councils needed to represent more than 50% of the population of the urban area; or
- 50% of municipal councils needed to represent two-thirds of this population.

For the first time, a French law allowed the prefect to impose upon a municipality its integration within a cooperative body. In order to encourage mergers, the government provided a specific bonus through financial support to local authorities. Under these conditions, a CUA can exert two types of powers:

- *compulsory powers*: economic development, urban planning, social housing, urban regeneration and the fight against social exclusion, prevention of petty criminality; and
- *optional powers*: sewage infrastructures and facilities, road infrastructures and parking facilities, environment, waste treatment, water provision, culture and sporting facilities (at least three among five).

In addition, a CUA may opt for other powers that are not mentioned in these two categories. For each competence, the CUA has to identify a relevant 'community interest'. It must be approved by two-thirds of the CUA representatives, and must lay out the boundary (in each policy sector) between municipal and CUA powers. Levels of state financial support vary with the number of integrated domains. Thus, the CUAs have a clear incentive to accumulate the maximum number of powers. However, this interest runs counter to the will of individual municipalities to keep their own autonomy and makes agreement rarely easy. In order to ensure a stable financial base, the right of individual communes to raise corporate taxes (one of four French local taxes) is transferred under the provisions of the law to the CUA.

These are the essential rules of the game for the creation of a CUA. The convergence of these two instruments (a financial base and the capacity to impose membership on reluctant municipalities) has been considered the main reason for in the success of this new tool of urban cooperation. In a period of two and a half years, 120 CUAs have been created. Given that such institutions could have been created in around 145 urban areas, this would mean that 82% of those areas have availed themselves of the opportunity to do so. Taking into account the whole range of cooperative institutions (communal communities, CUAs and urban communities), it is possible that a 'new France' is emerging, built on around 140 CUAs, 15 *Communautés urbaines*, and 3500 *Communautés de communes*. Another indicator of this trend is that the total financial capacities of the CUAs have already exceeded the entire budgets of the Regional Councils. These urban communities now employ more than 30,000 people.



Paradoxically, such a success does not refute the argument that a structural gap exists between functional and institutional local units. Even if these new urban bodies have extended their presence, they remain ‘inefficient’; for example, the CUAs only cover 39% of the communes in their urban areas (for the *Communautés urbaines*, only 29%). They incorporate less than 50% of their urban population. In other words, it means that these new bodies are specifically political units, not functional institutions in which political agreements and exchanges were possible.

This portrayal of the new bodies warrants further analysis of the ‘politics of metropolitan governance’. How can such a revolution be explained? Is it only related to institutional performance and institutional learning, or is it because of political context? We will address both of these arguments, for territorial political culture (i.e. context) and institutional learning provide competing explanations of the fate of these cooperative configurations.

At first glance, everything seems to justify the salience of a new-institutionalist approach to the process of metropolization. The role played by institutions appears to confirm Peter Hall and Rosemary Taylor’s assessments (Hall and Taylor, 1996); new institutionalists highlight the importance of the relations between institutions and political behavior, the asymmetry in power generated by institutional developments, and their capacity to channel the successive steps (path dependence).² In this perspective, metropolization has to be considered as a process of institutionalization, thus pushing the analysis towards pre-existing forms of cooperation and bureaucratic arrangements. Metropolization would also appear to be the answer to internal (organizational) and external (social) pressures and demands, so that the CUA seems to be the more rational subsequent step of previous institutional interactions. We can define this first way of interpreting the metropolization process as ‘institutional learning’.

In spite of its relevance to several French case studies, such an argument remains open to criticism. First, it pays too little attention to political constraints and territorial rules of the political game, which may often alter the process of institutionalization. Moreover, as Selznick (1984) shows, far from only resting on organizational interactions, institutionalization is built on a sense of identity and values. Thus, explaining the success or failure in building an urban institution of cooperation must refer to the way in which the territorial context may condition the institutional process. This territorial context cannot be limited to the (functional) environment of the institution but needs to be inferred from the sense of identity and values specific to each local space, which in turn produce political rules of the game rooted in territorial history, that influence institutional processes, and condition leadership opportunities. This second mode of analyzing the metropolization process may be termed ‘territorial political culture’.



The debate between these two competing explanations constitutes the first part of this paper. It will then be possible to assess the importance of three usual dimensions of this kind of institutional building, political leadership, financial and legal incentives, and democratic accountability. In such configurations of power, leadership is often regarded as capital although potentially resulting in opposite models. Political leadership and prefectural leadership will constitute two arenas of comparison. We shall also examine the attitude of organized private interests towards these policies. Concerning the relevance of the two major incentives for cooperation, this paper will assess the influence of the additive financial support and the prefect's capacity to impose a municipal integration. Do local politicians cooperate for money? Do they associate with each other because they are forced to do so? Finally, it will analyze the democratic dimension of these CUAs. A number of politicians and scholars have denounced these bodies because of the fact that their representatives are not directly elected (thus creating a democratic deficit). We discuss such an argument, and make some comments about the emergence of new rules of the game concerning participatory and representative democracy.

Institutional Learning or Political Culture?

In 2001, only 14 among the 90 created CUAs were built *ex nihilo*, without being preceded by a prior institution. The creation of an institution thus often appears to be the result of an institutional process itself. This first statement is confirmed by the fact that even where CUAs appeared *ex nihilo*, there had always been some form of technical cooperation, although perhaps weak and limited (like a SIVOM), which preceded the new step. Thus there is, as predicted, a certain kind of path dependence, which provided a set of practices, mutual acquaintance, reciprocal trust, and stabilized agreements of cooperation. However, even if such institutional sequences are the rule, their impact is in dispute. For some scholars, it is precisely these stages that produce the new institutions. Institutional learning thus constrains political invention. For others, the conditions of institutionalization, far from being independent, rest on territorial political cultures. More precisely, assessing the relevance of cultural features means that the impact of standardization, and thus the virtues of comparison, are not neglected.

Incremental institutionalization thesis

Let us start with the example of Chambéry. In analyzing this project, David Guéranger writes about progressive steps, consolidation, tacit agreements,



institutional routines, and stable devices (Guéranger, 2001). In this case, there is no need to take political practices or local identity into account. On the contrary, apart from a few isolated conflicts, the history of cooperation mechanisms is one of the step-by-step construction of an 'institutional culture'. This culture prescribes identifiable roles, which are very difficult to refuse to play. It constitutes also a functional arena for seizing new opportunities, which can be endogenous (a sectoral project for instance) or exogenous (the implementation of the Chevènement law). Finally, this culture imposes itself upon political actors who do not have much room for maneuver to fix the rules of the game. Only marginal changes can be proposed, and only as long as they do not disrupt traditional practices. This is true for all the cases studied. In the case of Bordeaux, the CUA strictly conforms to previous practices and inter-institutional exchanges. This kind of structuring of innovation leads Arpaillage *et al.* (2001) to identify a lack of ambition, through the perpetuation of a 'confederal' logic limiting the extension of CUA integration.

Moreover, it also has extremely interesting consequences. On the one hand, it leads to the reproduction of arrangements, which are not truly compatible with the orientation and the letter of the law. On the other hand, each actor develops their own expertise to check the conformity of innovation to inherited political exchanges. Each protagonist brings in professional advisors whose role is to validate institutional situations. They note that actors who promote a political strategy that would be a departure from the old ways (integrating more powers, extending the cooperative territory, reinforcing the capacities of the structure) all become politically marginal (e.g. the Chamber of Commerce and the representatives of the Green Party). In such cases, institutional precedence is weighed in 'positively' (preliminary existence of agreements, arrangements, and a culture of cooperation). However, it may also induce 'negative' elements, and here the 'political representation' debate is vitally important. For example, the Urban District of Mantes-La Jolie has also been transformed into a CUA (Poupeau, 2001). This institution has also based its dynamics on the progressive increase of its set of powers. However, beyond this learning style, the rule that actually cements actors together is, as in Marseilles, the voluntary restraint of the role of the city-center in the collective assembly. The institutional condition of the rapidity with which the CUA in Mantes was implemented lies in the neutralization of this question, and the safeguarding of the original political equilibrium. In addition, this 'rule' deprives the prefect of any unilateral capacity to impose a more logical or functional perimeter. In the case of Voiron, Anne-Cecile Blanc (2001) also detects, throughout the former phases of intercommunality, a typical culture of cooperation, which paved the way for the introduction of a CUA. This culture, juggling flexibility and solidarity, prevents the institutions from 'politicizing' issues. Institutional practices are considered as a means (albeit fragile) of avoiding political



cleavages. And this is a general feature, in nearly all CUAs, where political cleavages do not play an important role.

Finally, the notion that the institution forces choices is reinforced by a concrete statement: there is not a single French CUA whose perimeter is equal to its whole urban area. The institutional paths of CUAs thus highlight a persistent gap between physical and 'projectable' territories. Moreover, if CUAs have not been able to extend beyond these physically logical spaces, it is because they would call into question other territorial institutions, other communities of communes; the power of the *conseil général*; and departmental boundaries.

The territorial political culture thesis

At the opposite end of this (not always glorious) institutionalization process, another explanatory factor is suggested by our case studies, the influence of territorial political culture. The use of this analytical tool is not intended to bestow any absolute (or trans-historic) explanatory virtue on cultural identities (Almond and Verba, 1963; Putnam, 1993). Contrary to 'national political culture' scholars (Berstein, 1999; Cefaï, 2001), we want to identify local political and social behaviors that have a major impact upon institutional processes. In this paper, we shall thus define territorial political culture as a set of political representations and practices, whose reproduction is specific to a local space, and can be identified in the long term. This definition is rather close to that employed in the 'Italian sociology of regional development and politics' (Florida, 1996; Caciagli and Baccetti, 1998; Trigilia, 1981; Caciagli, 2001).

Indeed, in certain French local situations, researchers cannot forego such a tool to explain the process in a complete and coherent way. Escaffit (2001) analyzes the case of Béziers, in southern France, one of the rare cases of failure in building an integrated cooperation. She gives the following elementary lesson: with comparable institutional constraints, certain cities succeed in driving forward such a form of urban governance project, and others do not. In the case of Béziers, there were disparate forms of intercommunality (Charters, *Pays*, development contracts) which, elsewhere, would have paved the way for a future agglomeration. However, not only was the Chevènement law invoked, but it also appears to have been an instrument that amplified local political conflicts. She even points out a political own-goal: the mayor of the city center, knowing the extreme delicacy of intercommunality, and also rather excited by the goal of being the first 'to exceed local cleavages', nevertheless abruptly announced a unilateral increase of inter-communal tariffs and that a former mayor would lead negotiations of the proposed CUA. However, this particular individual was notorious for having massively increased municipal debt!



The strange phenomenon in Béziers is that while the same range of opportunities for cooperation existed as elsewhere, they seem to play an opposite role. Escaffit shows that, in this political configuration, the emergence of a new resource leads to preventive maneuvers: each actor tries to deprive the other from benefiting from an eventual political gain. Political mistrust existed between political factions, for example, in the economic and social circles of the city. And it sharpens a phobia for anything that could modify the fragile balance of local political exchanges. To describe this context, she talks about a 'domination without leadership': an excessive sensitivity to reciprocal power that leads to mutual neutralization. In such a situation, one can see how growth coalition theory (Harding, 1995) could hardly be applied to French metropolization policies. Other studies insist on the weight of such a political culture. The case of Montpellier highlights an additional feature, that of its urban leader George Frêche (Baraize and Négrier, 2001b). The economic and social ingredients of Montpellier are very different. However, an analysis of the process shows some similarities: the role played by conflict, the predisposition to treat partners as adversaries, and the use of institutions to continue the fight through other means. In short, inherited forms of institutional cooperation hardly explain anything and they do not indicate any path dependence. Even the Administrative Court, which has frequently been called upon to mediate in the process of urbanization, is involved in political conflicts.

Marseilles is another illustration of the empirical dead end to which new institutionalism leads in its attempt to show that political roles are regulated by independent institutional dynamics. As Maurice Olive and Jean-Pierre Oppenheim (2001) indicated, if institutional creation and the accumulation of rules exist, the social and policy configuration that conceives them, or acclimatizes them, remains basically unchanged. The political practices better known as 'Defferrism'³ have not ceased, but instead are reproduced through the same 'political exchanges'. These have inexorably led to the creation of the Urban Community all the while respecting the narrow margins of institutional progression. Such political factors are not only present in the south of France; in the Paris region, one could find the same dynamics (Pontier, 2001; Poupeau, 2001). The French Communist Party was hostile to the law itself: one of the reasons was related to the risks of the marginalization of its own bastions (officially because of the democratic deficit). François-Mathieu Poupeau noted that the town of Limay, run by the PC, has been very supportive of the official opposition of its party *vis-à-vis* the law. It allowed the town not to join the CUA, whereas its real motivations have very little to do with the argument of the democratic 'deficit'. Julien Pontier also underlined that, for Saint-Denis, inter-communality is an ideal political stake, inserted between reformist elements of the party such as Braouzec and Ralite and their opponents both inside the party (Karmann) and outside (the Socialists). These projects are an



opportunity to feed political identity and cleavages, to continue a struggle in which institutions, far from constraining, are privileged instruments.

The divergences that result from these two kinds of analyses should not be exaggerated. First of all, they are partly related to the epistemological approach of the researcher. It should be noted, however, that the concept of culture is especially employed in situations where the weight of conflict overrides the spirit of cooperation, and where the volume of institutional learning is low. Ultimately, these two approaches may well be complementary, as they both reject simplistic, functionalist, or fatalistic explanations. Talking about territorial political culture does not make the indefinite progression of cooperation, or its absolute impossibility, inevitable. Speaking about institutional dynamics does not prevent one from including other political or electoral motivations in the analysis. It is over the question of leadership that both these analytical models can be best combined.

Metropolitan Leaderships

One of the major political conditions for implementing CUAs is of course the presence of a political leadership that can be extended towards a new space (when this one differs from the preexistent perimeter of cooperation). Moreover, it is one of the most obvious rules of the political game (Michel, 1999; Baraize, 2001; John, 2001; Smith, 2001). The most shared lesson from our case studies is that the question of leadership is not only useful for looking at narrowly political and electoral dimensions, but is also an appropriate analytical tool with which to get a handle on the role of the prefects and socio-economic interests.⁴

Political leadership

In situations marked by strongly uncertain changes of scale, leadership obviously fills a plurality of roles. Its capacity to embody a project simplifies stakes that may be more complex in reality. Its intermediate position means that it become the focal point for requests for political guarantees. However, all leaders do not behave similarly *vis-à-vis* comparable stakes. In this respect, the academic distinction between transactional leadership and transformational leadership (Burns, 1978) is useful. In the first case, the leader restricts himself or herself to ratifying an inherited structure of political exchanges, without having sufficient resources to make them evolve in time and space. Comprised of arrangements and conflicts, this structure is generally found in 'neutralized' zones that are not suitable for negotiation or evolution. However, in the case of inter-communality, the existence of such zones is generally incompatible with



the dynamics of reinforcing integrative institutions. These neutralized zones indeed often refer to the crucial contents of the law: the corporate tax, autonomy in management and water treatment, the bulk-heading of the cultural policies, or the separate development of complementary or concurrent industrial zones. The existence of such spaces collectively considered as neutralized is very frequent. Le Havre (Condé, 2000) and Béziers illustrate the structural difficulty of such cooperation. Bordeaux is a case that testifies to its existence in the arena of the corporate tax debate, or through the rejection of any discussion on the transfer of its cultural policy at the Community level. Marseilles experienced this trait over the perimeter debate, and Montpellier did so over the problem of waste sewage.

Unsurprisingly, the majority of 'innovating' leaderships are related to the other type, transformational leadership. In this case, the leader has not only the possibility to assume long-term transactions between political actors but also the capacity to introduce new spaces and new fields of transaction. Moreover, such leadership can propose new partners who are better adapted to new issues. The challenge is also one of widening the spectrum of resources that can be negotiated and exchanged: for example, a political agreement about a CUA may be exchanged for support of the electoral ambitions of a key protagonist. To make these political transactions possible, the leadership must be well established. This is why this law, where implemented without major difficulty, is a factor in the centralization of power. This does not lead necessarily to challenges to personalized leadership. However, it establishes or reinforces the role of a generally tightly knit group, which controls the relevant interactions, has a collective memory of its counterparts, and obtains access to a widened range of political resources. The capacity to force a hostile commune to join the CUA (by trading off the benefit of regroupings initiated by the city center) contributes to this concentration of political resources. Highlighting the importance of leadership thus does not mean rehabilitating a psychological and personalized design of the 'chief'. In territorial public action, this tendency remains empirically aberrant. The analysis of the role of leaders is never devoid of an appreciation of the territorial and collective configuration. It is thus intrinsically relational, even if 'the individual character' of the leader may be of importance: his charisma (Hanoun in Voiron-Voreppe), his style of authority (Frêche in Montpellier), his imitation of another historical leader (Gaudin in Marseilles), or ... the problem of the 'age of the captain' (Ralite in Aubervilliers).

Which prefectoral leadership?

Dealing with prefectoral leadership would often offend strict institutionalists. In theory, a prefect cannot be considered a political leader. He/she is only supposed to transmit an impersonal and politically neutral discourse. Over the



last few years, the theme of ‘the return of the prefects’ to local politics has indeed been developed in France. However, it was to characterize less a personalization of their role than an extension, through them, of the capacity of the central state to control its territory. This kind of assessment has indeed been criticized. On the one hand, the idea of a return of the central state as master of the territorial game is generally contradicted by facts. The modesty of its capacity to force or direct situations around Paris, Marseilles, or Bordeaux is sufficient evidence. This capacity increasingly depends on the context. The toolbox of prefectural prerogatives depends on political configurations, and the intensity and nature of such a role consequently differ. Here three models of prefectural ‘leadership’ will be briefly compared.

The insurer

In this first case, urban partnerships are marked by high levels of stability and political leadership is not really particularly salient, since the issues often concern technical aspects in implementing the law. In these situations (for example, Chambéry or Rennes (Usannaz-Joris and Caillosse, 2000)), the role of the prefect seems to be that of a facilitator whose activity will be turned towards the center–periphery relations. Solving practical obstacles entails the classical technique of interpreting legislative provisions and a certain capacity to adapt them to local reality. Voiron and Mantes-La Jolie correspond rather well to this first type. Bordeaux does also, since the margins of maneuver of the representative of the state in this city are limited by the presence of a strong local politician and by the rigidity of political arrangements.

The entrepreneur

In this second case, relations are conflictual, and the leadership is both criticized locally but recognized as legitimate, even if conditions for successfully implementing the project are present. In these situations, among which the case of Montpellier is typical, the prefect is forced to penetrate the political arena in much more depth. His/her activity is less directed towards center–periphery relations than towards the complexities of the territorial balance between political forces. Such tasks are extensive: the prefect increasingly has to intervene in order to negotiate deals that have to remain secret, to find political partners, and to publicly discuss the strategies of elected officials who are opposed to the projects. Here the prefects must both exploit the ‘authoritative’ registers of their mandate (rejection of inefficient community projects; forced integration of reluctant communes; fixing of a perimeter without political consensus) and behave like a full political actor. The prefect is one among many protagonists in territorial political exchanges. His/her status as the



representative of the central state does not give him/her any unique room for maneuver, except for the use of certain specific resources (a certain autonomy in the delimitation of a perimeter; a certain ability to block some strategies). However, these resources are part of the local political game, so this model is one of extended interdependence, within a polycentric political territory.

The saver

In this third case, contrary to the others, the local context is marked by full frontal conflict, inexperience with integrated cooperation, and the presence of a radically conflictual leadership. In these situations, for which Béziers provides a good illustration, the projects, when they exist, hardly reach the level of political feasibility. The authoritative instruments of the prefect prove to be weak. The representative of the central state then tries to safeguard future opportunities that may arise following elections. In this perspective, far from getting politically involved as a stakeholder, the prefect acts to preserve a possible future, biding time for when the law may be implemented. The prefect may encourage certain initiatives towards functional cooperation if he/she considers they could lead to a model of a CUA. The prefect also tries to prevent the constitution of 'cosmetic' communities around a city center, whose only effect would be to hinder any larger project in the mid- and long term. His/her role is thus much more defensive than in the first two cases, and his/her capacity to use resources differs in the same way.

These three models are ideal types. In reality, prefects can more or less borrow the features of each. However, case studies unflinchingly reveal a dominant trend among them. Only the case of Marseille illustrates a true mixture (between the model of the contractor and that of the saver). In any event, the prefect in action, who is generally motivated to implement the policy promoted by his/her own administration, does not conform to the image of the strategic state as many would predict. In spite of the prefect's new instruments, political context largely influences their operational use. The prefect's margins of maneuver have not suddenly become greater because of the Chevènement law, and are also circumscribed by their limited powers of expertise. Where cooperative institutions already exist, prefectural expertise is always in competition with that of such structures. In the future, the prefectural administrations will perhaps gain a certain autonomy of influence and intervention in taxation and state-CUA cross-financed policies. Such an autonomy might emanate from their original position in territorial policy networks. The prefect is the actor at the crossroads of territorially heterogeneous agreements: quality agreements for air, water, urban areas, employment areas, Community zoning, CUA, localities, etc. This convergence of heterogeneous political maps could become the basis of his/her local



influence. One could almost deduce from this that a prefect has an objective interest in maintaining a certain spatial inconsistency within his/her territory. The prefect is ultimately the actor towards whom the greatest number of actors turn to. It is their centrality, and their consequent control of the greatest number of territorial political interactions, which is the other permanent aspect of their influence on the territory. However, this is not always the case, and thus we will not pursue the topic of the return of the state as a stable analytical conclusion from the effects of the Chevènement law.

Territorial economic interests

Although mentioned as partners of the future CUAs, private interests are massively absent from the arenas that govern the establishment of such forms of urban governance. However, this is only the official position. In reality, the consultation of the representative groups of territorial civil servants and associations of elected officials has largely been public and the individual or collective expression of private interests has been much more discrete. This statement is as true for the local level as for the national level. In this respect, the preparation of the Chevènement law led to an official consultation of the representatives of groups of urban services (networks, building trade, and equipment and goods suppliers concerned with the territorial public markets). In parallel, they were informally behind each localized step of urban governance. Needless to say, these interests are sensitive to institutional change. In particular, for large urban service operators, this is a new reality where a significant part of their activity is concerned. For this reason, there is not, and there cannot be, a unique and shared position during the formation, and then the implementation of the law. The markets being identical, competition structurally gets the upper hand over cooperation (apart from certain particular aspects, which we will discuss further). Nevertheless, it would be false to affirm that economic interests do not appear at all. One finds in certain places an active mobilization of industrialists in the defense of an extensive project, sometimes even more spatially ambitious than those carried by political leaders. The case of Lille, and the part that Bruno Bonduelle (food industrialist) played in the leadership of an urban Community forum, is typical of such a situation (Matejko, 2000). Moreover, such economic mobilization supposes an institutional innovation in the field of private interest representation, in order to circumvent the obstacle of the Chamber of Commerce and Industry (CCI). The CCIs are in a situation of flux over this issue. They are hemmed in by heterogeneous and divergent interests (from small trade to large companies). In addition, they are dominated by the MEDEF (the general employers' organization), which, however, has sought for years to demolish such a system. Finally, they are discredited by weak electoral participation



(Andolfatto, 1993, 2001; Le Galès, 1997; Puaux, 1998). The CCI thus have had great difficulty in articulating a coherent position with regard to the CUAs. In Bordeaux, where the CCI has been at the center of political arrangements of the ‘chabanist’⁵ form of leadership (Lagroye, 1973), the Chamber launched a metropolitan debate in the 1990s, by presenting an extended, reinforced, and structured project for the CUA. The disturbance that such an initiative introduced into local political exchanges was such that it is still thought of as a trauma by the protagonists of current projects. Elsewhere, the CCI’s position is as much officially favorable to the concrete issues of creating an agglomeration as it is removed from them. In short, this issue shows that the CCI is increasingly marginalized within political–economic partnerships and the representation of private interests.

Those interests, *vis-à-vis* the metropolitan projects, are facing two contradictory stakes. On the one hand, the harmonization of the rates of corporate taxes, even if it profits certain companies, will harm the situation of others, installed in local low tax municipalities. Thus, some individual elements of the CCI membership fear such processes. However, collectively, these interests are generally oriented towards support for initiatives from which they expect a simplification of policies and a rationalization of interlocutors and procedures. This kind of argument is mostly found among the largest groups of urban services, which expect from future CUA an increase in the thresholds of markets, and thus more influence on territorial policies. As we shall see later this outcome is far from certain.

Behind this first problem of collective action lies a second and more political ambivalence. It concerns the place occupied by local authorities in the private actors’ sphere of activity. In this context, a frontal opposition to the projects of political leaders cannot be expressed publicly. CUAs’ lists of powers comprise several sectors where those interests, individually, are directly implicated: housing, distribution and water treatment, collect household refuse, sport and cultural equipment, roads, etc. Private companies thus adopt politically discrete behavior. This in turn reinforces the role and the influence of the political leadership, who thus openly ‘lead’ the projects street-side, while making socio-economic arrangements in the backyard.

Myths and Realities of the Financial Incentive

The financial incentives envisaged by the Chevènement law have provoked much written comment. It has contributed to simplistic explanations for the numerical success of the law. For many observers, it is even the principal criterion for explaining the dynamics observed. The protagonists themselves popularize this idea and its immediate consequence: the production of a



political requirement. An elected official who would neglect such a godsend source of finance would be irresponsible. However, taking into account the success, and also the obstacles that the law has encountered in several urban territories, the list of municipal irresponsibilities lengthens considerably. Therefore, one must be very careful in interpreting the effects induced by this financial incentive. Three reasons must at first be advanced to limit the constraining effect of this incentive. These contribute to a better appreciation of its concrete role in the field.

To assume that the DGF allowance⁶ would be enough to create a CUA presents the frightening disadvantage of taking local politicians for idiots. Firstly, most basically, the question that such a supposition raises is: money for doing what? As an elected official of Seine-Saint-Denis said to us: 'It is one thing to evaluate the financial benefit of the operation, it is another to make legitimate use of it.' And this is not just the scruples of a rich man or of an accountant. Indeed, there are costs associated with the advantages of a CUA, such as surrendering autonomy over certain policy domains. Secondly, this benefit is not guaranteed in the mid-term. Over the last few years, regional and local elected officials have witnessed so many effects of unilateral backtracking on financial commitments by their state partners not to be fooled by such an attractive promise. Moreover, the funds earmarked by the Ministry for this purpose have been emptied much more quickly than expected because of the success of the law as a whole. Two years later, the financial incentives have begun to decrease. Lastly, this advantage remains real only if the CUA really integrate their policies. A 'cosmetic' community, where the rate of tax integration remains low, could even transform the benefit into a handicap by forcing the communes to lose resources (having to pay money back). The acceptance of the material benefit thus leads possibly reticent actors to enter a system of heavy and irreversible constraints. It would be an error to believe that they are not conscious of them when engaging, or not, in such projects. The financial carrot is thus not the most important predictor of success. Nevertheless, it fulfills several roles.

The first role of the 'financial carrot' is symbolic. For the populations of the agglomerations, it is one of the most popular elements of the law. It is thus extremely easy to present it positively, and hard to directly oppose it. The leader of such a project is in a position to make the community save money; its opponent to make it lose money. The second role is transactional. The carrot is a resource at the leader's disposal to negotiate cooperation or to deprive opponents of a material argument to justify its refusal. Third, collectively, the bonus of DGF allows actors 'to neutralize' the initial adjustments related to the creation of the structure. It means that nobody loses during this phase. Especially, it puts off the true costs (and the political transactions) of community integration (until the moment when the CUA will be fully



established and legitimate). Thus this financial stake leads to delay the political project, that is, it inspires a substantial public debate on this subject. Lastly, let us note that this ‘carrot’ obviously discriminates against the cities that cannot or do not want to follow the formula. As shown above, urban territories, because of their variable cultures and institutional training, are far from equally able to benefit from the law. One can thus make the assumption that the number of CUAs will for a long time be lower than the demographic optimum. What will happen to the territories without a CUA? Can one imagine a brutal closing of the opportunity window created by the state itself? Conversely, can one envisage their continuity in time, through other official means? Another equilibrium point between carrot and stick? In both cases, the selectivity induced by a law, which was introduced by such a ‘new republican’ as Jean-Pierre Chevènement, comes as a considerable surprise.

The Democratic Deficit

The Chevènement law provoked a debate on the non-democratic character of the CUA. During legislative debates, members of the Communist Party, like several other members of Parliament (both majority and minority), denounced this ‘technocratic drift’ of local government. To the absence of direct elections for officials of the CUA (the first democratic error) has been added the possibility of forcing a hostile minority to integrate within an institutional perimeter (the second). The law would thus have contained two provisions which would betray the spirit of decentralization and, more seriously, even the holy letter of the Constitution. A first counterargument can be found in looking at the history of inter-municipal dynamics over the last decade. The inter-communal structures have not ceased to develop. The number of inter-commune syndicates rose from 15,940 in January 1988 (among which 12,900 SIVU, 2290 SIVOM and 750 mixed syndicates) to 18,051 in 1999 (14,614 SIVU, 2221 SIVOM and 1216 mixed syndicates), while that of the EPCI with full powers of taxation (urban communities, communities of communes, communities of city, districts and SAN⁷) grew from 192 to 2679 during the same period. This trend illustrates a crucial fact: the persistence of a formal democratic standard for the three traditional levels of French administration (commune, department, region) went hand in hand with a massive delegation of power to non-directly elected structures, and this has been going on for a long time. The law is thus in line with existing practices, themselves largely because of local government policies. However, the issues involved this time in the metropolitan formula exceed the consequences of preceding laws. It is thus possible to identify a real metropolitan power shift. For example, the possibility of setting a differential mechanism of equalization between



communes, through the Community Solidarity Grant, is sometimes regarded as a frightening instrument of political feudalism. The extent and the nature of CUA powers are the other aspect of this change: development zones, cultural, environmental, or transport policies could converge towards one increasingly powerful leader. Social housing and the fight against social exclusion are the most frequent subjects of such fear. Indeed, they touch the municipal core powers (and *ipso facto* urban social discrimination strategies).

Contrary to the freely shared solidarity, which has prevailed until now, direct elections would combine a new step in integrated policies and a remaining fiction: local elections would legitimate public decision-making at the municipal and metropolitan levels. This assumed gap between the electoral space and the action territory testifies certainly to the difficulties of reconciling legitimacy and the effectiveness of public action (Duran and Thoenig, 1996; Duran, 1998). However, this argument deserves to be questioned, in particular because, in the majority of the cases studied, it is underlined by interests that have little to do with the democratic question. Indeed, this argument (the democratic deficit) is often used in order to legitimate acquired positions. For example, there is a little communist city around the CUA of Mantes-La-Jolie. However, its hostility to the CUA is less related to high politics (the pro-democratic position of the Communist Party) than to the material interest of remaining isolated. In the same way, the appeals to sacrosanct communal freedoms from peripheral cities in Montpellier, which were amplified by the use of local referendums, testify more to the hope of preserving the statute of financial and social 'islands' than the democratic avant-garde. The occasionally successful attempts to avoid metropolitan integration in Bordeaux, Marseilles, and Béziers appear to be founded on the defense of the commune as the first stage of a threat to the Republic. It hardly dissimulates the real motivations of this discourse:

- not to lose the windfall effects produced by urban development on their own periphery;
- to refuse to participate in metropolitan structured policies in which these communes did not take part, and which they do not feel able to influence;
- to maintain the fiction of the capacities of the mayor, however eroded they may be by multiple public and private regulations, rather than to surrender authority to an urban leader and his/her 'technocratic' CUA teams.

Beyond this criticism of political justifications, a closer look at the latent functions that such a 'democratic deficit' plays is warranted. One can identify at least three of them. The first is related to a kind of routinization of adaptive constraints. CUAs have to face numerous problems whose treatment is politically risky and induces high political costs: this is the case for social housing or economic development for which the CUA will have, in many cases, to assume the effects of fragmented dynamics of more or less



efficient zonings. Environmental policy is also likely to involve high material and political costs: restorations or creation–extensions of networks of cleansing, of water, and control of pollution. In short, the first steps of CUAs' policies will generate heavy responsibilities for which the single bonus of DGF will not be enough to compensate. Consequently, the maintenance of the political marginality of this structure (through indirect elections) can protect the local politician from the political effects of unpopular decisions ('it is not my fault, it is that of this 'bloody' CUA'⁸).

The second latent function of the democratic deficit is that it facilitates the emergence of territorial political projects which transcend political cleavages. This phenomenon is already observed in almost all CUAs. They generally function, if not consensually, at least far from party–political cleavages. This 'apolitical attitude' may reflect a real convergence of action and political exchanges related to a modern form of clientelism.

The third latent function is to preserve a territorial political identity. According to regular data from opinion surveys, mayors are a rare breed of political men and women among elected politicians who still benefit from a strong level of satisfaction. Local elections (along with presidential ones) are those that best resist the rising tide of abstention. To maintain the urban monopoly of the municipal, direct representation preserves a small political patrimony whose effectiveness is increasingly threatened by several phenomena such as multi-level policies and private pressures (in particular in the field of the building trade). This is why small municipalities hardly ever accept the proposal to give direct legitimacy (through elections) to a CUA, fearing to lose their last autonomous resource.

Beyond these latent functions, the gap between the local electoral space and the metropolitan policy perimeter is likely to face increasing criticism. The progressive visibility of metropolitan policies will pose the problem of their distance from the citizen. In parallel, mayors will have more and more difficulties in basing their election campaigns on projects for which their own responsibility is neither autonomous nor important. If such a gap remains, it would signify that the vote would only be justified for inefficient policies and that, consequently, voting for a 'great' policy and politics is not necessarily any more valid. That is why the direct recruitment of metropolitan leaders seems politically inescapable and democratically necessary.

Conclusion: Towards French Urban Political Régimes?

The CUA is a device that favors political territories where former cooperative practices exist. These are related to institutional trajectories or to territorial political cultures. Thus *ex nihilo* creations are both rare and more difficult.



Among the ingredients of the project's success or failure, the existence of a territorial leadership, its nature and its intensity, appear essential. Far from reflecting a revolution in the relation between the State and 'its' territory, the implementation of the Chevènement law confirms, on the contrary, the establishment of a polycentric territory, where the state government, through its prefectural representative, undergoes the inflections of heterogeneous political contexts. If the financial incentive plays a role in the success of this law, its mid-term effects should not be exaggerated. The shift between the new political centralities induced by the law and the maintenance of the universal vote on a strictly communal level fulfills latent functions, which can be considered positively. However, serious political accountability has emerged so far. Such are the broad outlines of our demonstration.

To conclude, let us make a rapid inventory of the issues likely to arise in the medium term. The first relates to the institutional effects of policy learning to which the policy led, overall and in each territory. As we underlined, the problem of the generalization of the formula in the Chevènement law is posed right now, by the success met by one or the other of the three Community methods. Locally, analytical tools from new institutionalist and political culture studies will be useful to assess the successive implementation steps: definition of powers, identification of Community interests, recruitment of personnel, suppression of the functional cooperative organisms, extensions of power and territories, etc. To these political and institutional analyses, a perspective centered on policy transfers (Radaelli, 1999), policy learning (Stone, 1989), and exchange of governmental subsidies could be added. To these kinds of functional or management learning processes must be added social and political ones, in order to identify the successive steps of regime changes (Stoker, 1998). Will the Community be attractive to the professionals of municipal technostructures, and also to the government officials, and perhaps to some prefects? What will the metropolitan political regimes evolve into (Le Saout, 2000a, b)?: parliamentary systems, technocratic systems, systems that separate the executive and the deliberative powers, or systems commissioned in the urban civil society. These questions are the institutional part of a broader interrogation on the urban regimes themselves.

Within such dynamics of urban political regimes,⁹ the assumption is that new territories will be reinforced. The best proof of this is undoubtedly the negative reaction of the Conseil Général whenever the CUA extend, even modestly, their perimeter of integrated cooperation. The General councils clearly lose influence in these processes. It is not so obvious that tomorrow they could find new political and policy spaces. However, the decline of the departmental territory, an old story of administrative science, does not mean the triumph of 'functional territories'. On the contrary, we could bet that the gap between functional and political territories will be confirmed. CUAs are



thus truly political territories. In the end, the democratic question remains completely open. Three dimensions exist:

- The first involves the development of a political debate concerning CUA policies. The current situation is based on the following couple: political identification remains at the municipal level, whereas the CUA level is built upon the negotiated compromises of public policy-making. The commune will find it hard to resist the extension of integrated policies and (popular and unpopular) policy results (Faure and Négrier, 2001). The CUA is already a policy body. It is becoming a political institution. Does this evolution announce the disappearance of the commune? Certain mayors are already preparing for the shift: removed from the constraints to make the public believe in their capacities, tomorrow they could be working under the democratized authority of the city. All these processes are related to the analysis of urban political regime changes.
- The second is related to the kind of metropolitan election. This trend is politically complex, because different dimensions are contradictory: Represent the people on a demographic basis or take into account municipal boundaries and interests? Abolish one level of election or add a new level? These stakes depend on the intensity of the urban political regime change and in particular, on the progressive construction of a metropolitan identity (Cole and John, 1998).
- The third concerns the exclusive or not exclusive representative dimensions of such a metropolitan democracy. Does the creation of a political metropolis open up an opportunity to question the limits of representative democracy? Such a debate has been opened during the Montréal metropolitan reform (Latendresse, 2002). It deals with the role of participatory democracy and the direct implication of citizens in public affairs. In France, it mixes two different processes. The first one is the development of new tools for the 'democracy of proximity', based on the participatory structures of local areas. The second is the creation of Development Councils, allied to the CUA political assembly, to associate the civil society to decision-making. It is now too early to say much about these tools, which have been invented in a period of serious decline of electoral participation. Let us just say that in these areas, as in all French metropolization processes, the rules of the political game remain to be invented.

Notes

- 1 The term 'Communauté d'agglomération' is hard to translate without losing its precise meaning. As a result, the French term and its acronym, CUA, are used in this article.



- 2 This paper does not choose between the three types of new-institutionalist approach in order to show how institutions influence the implementation of metropolitan policies.
- 3 Gaston Defferre was a famous socialist mayor of Marseilles from the 1960s to the end of the 1980s. He was Minister of Interior during the first Mitterrand presidency, and in 1983 pushed through the Decentralization reforms.
- 4 Within French political science, a number of scholars (including myself) are currently developing analytical approaches to political leadership. See, in particular, Genieys *et al.* (2000) and Smith (2000). They are well aware of the pitfalls of previous attempts that use leadership as an analytical tool. However, by using this term more as an analytical framework rather than as a term used on its own, the relation between institutionalization, territory, and legitimation can be tackled more directly than is too often the case.
- 5 'Chabanism' is a term that covers the period when Jacques Chaban-Delmas was mayor of Bordeaux (from 1944 to 1989).
- 6 DGF: Dotation Globale de Fonctionnement. This aspect of the state's financial contribution to local authorities is increased in the case of creation of CUA, CU, and CdCs.
- 7 SAN: Syndicat d'Agglomération Nouvelle, a specific cooperation structure for new urban towns.
- 8 ...even if I know that the policy was necessary, and even if I agreed with it, but I don't have to assume it in front of my electorate...
- 9 The term 'urban political regime' is used to specify the notion of urban regime or governance. These terms have led to a rich literature that paper does not discuss. For such an analysis, see Gaudin (1999), Jouve and Lefèvre (1999a), Le Galès (1995), Borraz and Le Galès (2001), and Stoker and Mossberger (1994).

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