A comparative perspective on the legal geography of demolition in urban renovation: a french-russian approach

Guénola Inizan, Olga Suslova

Introduction

This paper addresses questions raised during research conducted in France and Russia about urban renewal. As PhD students affiliated with French universities and studying Russian cases, we often reflected on the links, resonances, similarities, and differences between the two contexts. Although our dissertations did not explicitly aim at comparing France and Russia, some elements clearly overlapped. First, the similar names of ongoing urban renewal programs, rénovation and renovatsiya (we further use the term "renovation") describe - in a euphemistic way - the demolition-reconstruction processes that target modernist housing estates. Second, our academic education in France, a country with a long tradition of critical social sciences of urban renewal provided us with a theoretical framework to analyse urban renewal. However, mostly the western experiences did not always fit the post-Soviet Russian cases. Is it possible to frame a conceptual approach that would fit both contexts? Finally, we were guite regularly confronted with clichés. In France, while starting to explain renovation in Russia, we were interrupted by people who were sure they already knew what was going on over there: a simple expulsion without any compensation, which is far from reality. Meanwhile in Russia, we met many people willing to know more about urban renewal projects in France, notably activists that were looking for good practices they could promote, as if the ongoing renovation in France was a panacea.

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In this paper, we present a conceptual tool which enables a legal geography comparative approach to studying the demolition of modernist housing estates in different geographical contexts. We argue that "the legal targets of demolition" is an efficient lens through which to view such a comparison. We present its four dimensions (spatial coverage, criteria of inclusion, people and institutions, and the iteration of the law) and then apply it to three study cases: the French National Programs for Urban Renewal (PNRU, 2004-2020 and NPNRU, since 2014) and the Russian Renovatsiya in Saint Petersburg (since 2008) and in Moscow (since 2017). In conclusion, we expose the interests and the limits of such a comparative approach in two very different political and social contexts.

Keywords: renovation; housing demolition; comparative urbanism; legal geography; urban renewal; modernist housing estates; France; Russia; Moscow; Saint Petersburg

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Our comparison focuses on the French National Program for Urban Renewal (PNRU, 2004-2020), extended as the New National Program for Urban Renewal (NPNRU, 2014-2024) and on two Russian renovation programs, one launched in Saint Petersburg in 2008 (The Development of Built-Up Territories) and another in Moscow in 2017 (Renovatsiya). We focus on one aspect of the programs: the demolition of modernist housing estates. In order to compare the different legal frameworks of these programs, it is necessary to highlight the specificity of the geographical context, that is to say, the various spatial dimensions of the social positions and their scale [Agnew, 1996].

The aim of the article is therefore to create a conceptual and methodological tool which could be used in both the French and Russian contexts (and could be transposable to others) and which would take into account the legal framework and its relation to the geographical contexts (understood as the amount and overlap of the spatial dimensions of social and political phenomena) in which it is made and applied. Thus, this article aims at answering the following questions:

- 1. What methodological tool can we use to compare housing demolition in France and in Russia?
- 2. What is the basis for the comparison of housing demolition in France and Russia?
- 3. What are the relations and mutual influences of the geographical context and the legal framework?

Our argumentation is mostly based on the laws and decrees that define urban renovation processes and a review of the literature in France and Russia. We also refer to official documents related to renovation programs, a press review, interviews, and observations conducted during our respective PhD fieldwork.¹

The first section of the paper presents a literature review, allowing us to build a critical analysis of urban renovation programs from a legal and geographical perspective. The second is devoted to conceiving a conceptual and methodological tool for comparing housing demolition in different contexts. The third section justifies the comparison of housing demolition in France and Russia. Section four compares the legal frameworks and geographical contexts in France and Russia. In the conclusion, we suggest prospective areas for such a comparative approach to urban renovation beyond housing demolition.

1. A comparative legal geography approach to the demolition of modernist housing estates

Housing demolition in the context of urban renewal programs has been studied from various perspectives. Some studies have analysed how it is institutionally structured and how it reshapes the state apparatus or public-private partnerships [Bernt, 2009; Epstein, 2013]. Housing demolition has also been studied from sociological perspectives, focusing on how it influences people's housing trajectories or social positions [Lelévrier, 2010], mobilizations and contestations [Castells, 1975; Drozdz, 2018; Zhelnina, 2020], consultation and inhabitants' participation [Donzelot, Epstein, 2006; Lees, White, 2019], and the rehousing process [François, 2014]. The materiality of housing demolition and urban renewal has also been a recent subject of research [Mongeard, Veschambre, 2019].

Modernist mass housing was constructed in many countries and on both sides of the iron curtain after the second World War. Its construction served the similar goal of resolving housing shortages but the evolution of its population and of its public image differed dramatically in different countries [Urban, 2011]. Today these estates are sometimes targeted by demolition policies, justified by technical or moral obsolescence, the concentration of poverty, or social issues. There have been studies comparing their fate in different countries, in the form of collective volumes or special issues with chapters or articles devoted to different cases of urban renewal policies [Dufaux, Fourcaut, 2004; Van Kempen, al., 2005; Couch, al., 2011; Desage, al., 2014] and to related topics such as urban segregation [Kirszbaum, 2008; Hess et al., 2018] or privatization/marketization dynamics [Korableva et al., 2021].

Here, we focus on the legal framework of housing demolition of modernist housing estates in the context of urban renewal programs. As housing demolition is both a consequence of dilapidation and a way to make room for the future city [Kaczmarek, 2019], the legal processes of demolition reveal and

^{1.} Moscow in 2018, 2019 and 2021 and Saint Petersburg in 2021.

structure the principles that orientate urban change. Despite their utmost importance, the legal dimensions of housing demolition have so far been little explored.

In every renovation program, the legal framework differs. Why is it that in countries sharing similar issues of dilapidated modernist estates, various legal frameworks for demolition are used? Urban studies on renovation, in particular, barely explore (1) how the geographical context shapes the legal tools of demolition and (2) how different legal tools of demolition can lead to social and political changes. These questions meet the larger ones that are explored by legal geography, as formulated by Blomley and Clark: "how the institutions of law structure and affect the geography of social life, and how the geography of social life in turns affects law". Various studies coming from the legal geography scholarship [Blomley, Clark, 1990; Holder, Harrison, 2003; Bony, Mellac, 2020] showed that the law and the space (that is to say, the spatial dimension of society), are inherently nested. Law defines the borders of the national territory, but also creates differences inside them [Smirnova, 2019], while space is legally produced and categorized, notably through zoning practices [Melé, 2008]. Moreover, in continuity with social legal studies, legal geography also explores how legal tools are distorted or unequally enforced, depending on how and where they are appropriated. In parallel, legal research questions the appropriate scales of legal tools and the competences for the proper "territorialization of the law", notably in terms of urban policies [Gustave-Huteau, 2020]. However, this field of research remains underexplored in relation to renovation policies and housing demolition.

We adopt a comparative approach to explore the mutual relation between the law and the space it operates in, in the context of urban renovation programs, specifically the demolition of housing estates. Comparativism in legal geography is an under-explored field [Kedar, 2014]. In this article, our comparative approach presents two main objectives. First, considering different case studies enables to contrast different ways of proceeding. Second, the criteria and procedures for demolition are often presented as necessary and self-evident by the authorities implementing the demolition programs. Comparing the legal frameworks in different contexts provides evidence that the legal framework is not conspicuous and is not a purely technical issue, but rather a social

construction in a particular geographical context.

We compare legal frameworks through the lens of "comparative urbanism", while trying to avoid its main pitfalls, summed-up by Tuvikene: "First, the division of the world into incommensurable regional containers; secondly, theory building from a limited number of – usually Euro-American – cases; and thirdly, the hierarchical ordering of cities into modernizing/ developing or global, and other. Comparative urbanism argues that every city can be a source for (re)thinking urban theory, inviting scholars to move beyond the 'usual suspects' and to challenge Euro-American domination in urban studies" [Tuvikene, 2016, p. 133]. We agree with Jenifer Robinson that "finding shared processes or outcomes forms a good basis for comparing, in the context of which analysis of the proliferation of difference is good for creative thinking about the determination of that phenomenon" [Robinson, 2015]. These shared processes will be explored in the third part of the article.

2. Legal targets of demolition as a lens for comparison

Two necessities: the transposability and integration of geographical context

To establish a proper comparison between demolition programs, we need a common perspective to analyse them in different contexts. Our aim is to build a conceptual and methodological tool that allows us to compare the legal frameworks of demolition in these two countries (and possibly in others) and to analyse the mutual relations between space and law in each case. To this end, we paid attention to (1) the transposability of the concept in various contexts and to (2) the integration of the mutual influences of space and law.

First, to use a transposable concept, we focus on demolition as it is defined in the legal documents. Even though legal systems differ between countries and cities, they all have to regulate through official written documentation [Santoire et al., 2021], making it practical to compare them. Concretely, it means gathering and analysing the legal documents that regulate housing demolition in the context of the renovation programs.

Second, how to take into consideration the influence between space and these legal definitions of demolition? To shed light on these mutual relations, we rely on the definition of the "geographical context" of law, given by Clark and Blomley: "the intersection between the judicial process of rulemaking and interpretation" [Clark, Blomley, 1990]. This means noting what social and political processes intervene in the production of the law on demolition and in its application and interpretation [Delaney, 2010; Santoine and al., 2021]. Also worth noting is the geographical context of the law, as every "geographical context", must take into consideration the effects produced by "the hierarchical (and non-hierarchical) "funnelling" of stimuli across geographical scales or levels" [Agnew, 1996]. Agnew refers to political behaviour (in Italian elections), but such an approach can be relevant for understanding the legal framework of housing demolition as an overlap of spatialized (or not) phenomena on different scales. Therefore, even though we take into consideration the definition as it appears in the legal documents, we leave some room to manoeuvre in the conception and application of these definitions (due to negotiations, political conflict, or financial constraints depending on the geographical context).

The four dimensions of the legal targets of demolition

To analyse housing demolition, we therefore suggest using the concept of "the legal targets of demolition" presented below. From an inductive perspective, we wanted to build a concept that would include the different dimensions of the geographical context of law and be transferable to different contexts.

- The first dimension of the legal targets of demolition is the geographical coverage of the law defining the criteria for demolition, that is, the territory where the legal apparatus is conceived and applied. Spatial coverage depends on the jurisdiction that regulates housing demolition (in urban renewal projects), its borders (that do not necessarily lie within a geographical continuity) and by its scale (municipal, regional, national).
- 2. The second dimension is the criteria for the demolition. This refers to the features that characterize the housing space included in the demoli-

tion project. It encompasses the official reasons for their demolitions (physical dilapidation, symbolic connotation, or social issues) and the specific criteria that identify the buildings to be demolished (types of buildings, geographic localization, physical state).

- 3. The third dimension defines the people and institutions responsible for the establishment of the exact list of demolitions, as part of the first two dimensions. It is related to the spatialization of political power: the scale and nature (democratic, authoritarian) of decision to demolish in the jurisdiction where the demolition applies.
- 4. The fourth dimension considers the iterations of the legal documents regulating demolition. It takes into account the evolution from the first legal document mentioning potential targets of demolition and the most recent documents that specify the targets. It therefore integrates the political and economic dimensions in the legislative processes as they take place on several scales (municipal, regional, national).

The four dimensions of the legal targets of demolition 1. Spatial coverage of demolition (Where?) 2. Criteria of inclusion in the demolition programs (What?) 2. Developed institution which define and inclusion

3. People and institutions which define and implement the demolition (Who?) $% \left(\left(\left({{{\rm{A}}} \right)_{{\rm{A}}} \right)_{{\rm{A}}} \right)_{{\rm{A}}} \right)$

4. The iterations of the legal documents regulating demolition (How has the program evolved legally?)

Methodology

We collected all the legal texts regulating housing demolition and extracted the four major dimensions relevant for our analysis. Not limiting our approach to a legal text analysis, we also refer to knowledge gathered from our fieldwork and previous research which allowed us to discern contextual elements from "outside the law" which influence the law and point at power relations between actors involved in law production. We build our argument on interviews with residents and officials,² ethnographic observation, the analysis of local press, the analysis of maps and documents presented

^{2.} Some of the interviews were kindly provided by the team of the "Estates after transition" research project: Nauchnyj issledovatel'skij proekt "Zhil'e v postsocialisticheskih gorodah posle transformacii" realizovan issledovatel'skim kollektivom na baze Evropejskogo universiteta v Sankt-Peterburge pod rukovodstvom k.s.n. Pachenkova O.V. (grant #18-511-76001, RFFI, konkurs ERA_a).

on programs' websites, and previous research.

3. Comparing modernist housing estate demolition in France and in Russia

A shared and nested modernist history on both sides of the iron curtain

Both France and Russia, among many other countries, had their urban landscapes dramatically reshaped during the 1950s and 1960s, due to the massive construction of modernist housing estates. In both countries, modernism, inherited from the Le Corbusier's Athens Charter (1933), but also from avant-garde Soviet and Eastern European architecture of the 1920s, became the most widespread architectural style. After the Second World War there was a housing shortage, aggravated by the devastation of the war and a booming population. The technical advances in construction techniques allowed the normalization and standardization of modernist principles. In 1957, both France and Soviet Russia implemented massive construction policies of the modernist housing estates,3 dramatically changing urban landscapes and the standard of living. In both countries, an interventionist state took charge of the construction of the mass standardized housing. These policies were implemented in the context of the thaw in international relations, which led to new exchanges, including commercial contracts and technical discussions between the two countries [Solopova, 2021].

In France and in Russia, the estates were organised in the form of "neighbourhood units", a term coined by an American architect William E. Drummond in the beginning of the 20th century [Johnson, 2002]. Neighbourhood units are a set of self-contained city neighbourhoods of a particular size with the necessary social, administrative, and service infrastructure (originally also small units of the city's political life). The neighbourhood units (without their political component) were first constructed in the UK through the New Town Acts, originating from the 1944 Abercrombie Plan for London, and later expanded internationally, including France and Soviet Russia. In French, they were called unité de voisinage, a notion used to designate modernist housing estates

from 1945 to 1960 together with the term grand ensemble, referring to the large size of the estate [Jannière, 2008]. However, the notion of unité de voisinage was criticised in the 1960s by French sociologists, as part of a more generalised critique of modernist housing estates, and then abandoned. Nowadays in France, the estates are mainly called grands ensembles or cités HLM (referring to their predominantly social housing nature). The neighbourhood unit can be translated as mikrorayon in Russian (referring to its administrative size). This term is still widely used today in designating the areas of modernist housing estates. These different names are connected to the divergent history and the current status of this housing which differs dramatically in the two countries, despite their guite similar architectural properties.

Unequal trajectories in different social and political contexts

The construction of modernist housing estates took place during the Cold War in very different contexts. In France, the construction of mass housing estates was implemented by a welfare state in a liberal country. The estates were originally conceived as public social housing or private apartments, destined for a mixed population, primarily the lower-middle class. In Soviet Russia, the "Khrushchevian housing blocks" were supposed to be the architectural vector of communist ideology. The simple architectural and standardized forms were conceived as support for equal living conditions, by contrast with the Stalinist architecture it replaced, criticised for being unequal and elitist. Housing allocation was socialised and mostly supervised by state firms or ministries, more rarely by cooperatives. Soviet housing estates hosted most of the country's population with different social status.

These initial contextual differences partly explain their divergent fates. In both countries, the first criticisms of modernist housing estates coincided with the time of their construction in the 1960s, but in very different ways. In France, the press firstly described them as low-standard housing estates badly integrated to existing cities [Lacoste, 1963], and later as alienating and criminogenic [Dufaux, Fourcaut, 2004]. In Soviet Russia, the official journal *Krokodil*

^{3.} The two major legal texts are:

In France: Loi n° 57-908–7/08/1957 "Tendant à favoriser la construction de logements et les équipements collectifs". In Russia: Postanovlenie CK KPSS i Soveta Ministrov SSSR–31/07/1957 «O razvitii žiliŝnogo stroitel'stva v SSSR».

Table 1. Overview		France	Russia	
of urban renovation programs in France and in Russia			Saint Petersburg	Moscow
Source: author's data.	Name	National Program for Urban Renewal (PNRU)*; (New National Program for Urban Renewal (NPNRU)*	Development of the build-up territories (Razvitie Zastroennyh Territorij) or unofficially Renovatsiya	Renovatsiya
	Dates	PNRU: 2004–2020 NPRU: 2014–2024	Since 2008 (up to 2019, prolongedup to 2029)	Since 2017 (up to 2032)
	Scale	National	Regional (city of federal importance)	
	Nb. of housing	Around 200 000 housing units (PNRU)	Around 1 000 housing blocks	Around 5 000 housing blocks
	Financing	 PNRU: 45 billion euros 40,6 bank loans of Caisse des dépôts 24 ANRU (state funds and private funds of Action Logement) 15 cities and their constellations state, European funds (FEDER), bank loans of 9 Caisse des Dépôts 5 regions 4,4 own funds 4 departments NPNRU: 40 billion euros Similar funding structure, with an increased part of ANRU (30%). 	Estimation of 400 billion rubles (4,9 billion euros), mostly provided by the private developers (own funds and bank loans) and partially by the Saint Petersburg city budget**. New housing demolition and construction, social infrastructure development, buying-off apartments from owners, relocation of inhabitants.	More than 6 trillion rubles (73 billion euros) provided by the Moscow city budget***, allocated to private developers that build the new houses.
		* Available at: http://www.onpv.fr/uploads/ media_items/rapport-onpv-2016.original.pdf	**Fomicheva E. (2019) Peterburgskij developer poteryal vliyatel'nogo akcionera [Saint Petersburg Developer Has Lost an Influential Actioner]. RBK. Available at: https://www. rbc.ru/spb_sz/06/12/2019/ 5dea47929a7947038efb0a82	***Fedorova N. (2021) Stoimost' stoličnoj programmy renovacii prevysila ₽6 trln [The Price of the Capital Renovation Program Has Exceeded ₽6 trln]. Available at: https://www. rbc.ru/business/01/11/2021/ 6156b25b9a7947581d168f33
	publishe	ed caricatures ridiculing the bad	a modernist housing	estate happened in the

published caricatures ridiculing the bad quality of construction and the public space, the monotonous architecture, and residents' behaviour. In the 1970s, the pejorative nickname khrushcheby (which is a mix of "Khrushchevian buildings" and truŝoby, the Russian word for "slums") spread. Whereas in France the pathologic social dimension was pointed out, Soviet housing estates were mostly criticised for their poor architectural characteristics.

The political reactions to these criticisms were very different and started at very different times. In France, the construction of grands ensembles was banned as early as the 1970s.^₄ Between 1978 and 1984, the very first (and at the time the only) demolition of a modernist housing estate happened in the outskirts of Lyon [Kaczmarek and al, 2021]. In the 1980s, these former symbols of modernity started to be abandoned by the middle class and suffered from public financial underinvestment. Many of them started to be vacated or occupied by precarious populations, such as immigrants who could hardly pay their rent. Since the 1990s, the demolition policy became widespread. Nowadays modernist estates act mostly as social housing, governed by social housing organisations and accommodating the lowest incomes in the country [Epstein, 2013]. In Russia, prefabricated housing in *mikrorayons* remained the prevailing housing type until the late Soviet period. The idea of demoli-

^{4.} Circulaire du 30/11 1971 relative aux formes d'urbanisation adaptées aux villes moyennes ("Chalandon circular") and Circulaire du 21 /03/1973 relative aux formes d'urbanisation dites "grands ensembles" et à la lutte contre la ségrégation sociale par l'habitat ("Guichard circular").

able 2. Legal tar-		Russia		France
gets of demolition in France and Russia Source: author's data.		Moscow	Saint Petersburg	
	Spatial coverage	The administrative city	The administrative city	The country
	Criteria of inclusion	Architectural and technical characteristics of buildings	Architectural and technical characteristics of build- ings located in specific neighbourhoods (kvartaly renovatsii)	Localization in a priority neighbourhood (ZUS for PNRU and <i>quartier priori-</i> <i>taire</i> for NPNRU)
	People and institutions	The city government (de- fines the list of buildings) Residents (vote for or against demolition)	The city government (de- fines the list of neighbour- hoods) The city council (votes the list)	The mayor of the city signs a contract with the local pre- fect (representing the state renovation agency ANRU), the local public authorities (on different geographical levels), the social housing landlords and the public financial institution CDC for the renovation project
	Various iterations of the legal documents	First list of targeted build- ings (May 2017)	Preliminary list before the law was passed (2007)	The Borloo Law (2003) launching PNRU
		Second list after the resi- dents' vote (July 2017)	Official list when the law was passed (2008)	Various ANRU contracts (2004-2014) & additional clauses
		Third and final version of the renovation law (August 2017) adopted by the Moscow	Multiples versions of the list (2008, 2009, 2011)	2014: NPNRU
		Duma.	Final version of the list (2014)	contracts & additional
		Final agenda of demolitions (August 2021)		clauses

tion came much later than in France: the very first decrees ordering the demolition of modernist housing estates were passed in the mid-1990s⁵ and they were rarely implemented before the early 2000s. After the fall of the USSR, the estate management companies were privatised, as were the majority of apartments in the estates.⁶ However, some social tenants refused to do so, which resulted in the estates having a fragmented ownership structure.

Ta ge in Sc da

Comparing housing estate demolition in contemporary Russia and France

This short history of modernist housing estates in France and Russia shows that their fates have been partly shared, but due to diverging contexts, nowadays they have different statuses. The various criticisms finally ended up in both cases with policies implying their demolition: renovation programs. We focus on the French PNRU, launched in 2004 (after the adoption of the Borloo law, named after the French Minister of the City, in 2003) until 2020 and prolonged with NPNRU in 2014, and two Russian renovation programs: one launched in Saint Petersburg in 2008 and prolonged until 2029, and the one that started in Moscow in 2017 (see Table 1).

How does this similar history, despite different contexts, shed light on the legal frameworks conceived to demolish them? And how do these legal frameworks orientate urban change in different ways? To compare as precisely as possible, we use the framework of the legal target of demolition.

4. The relations between and mutual influences of the geographical context and the legal framework of demolition

In this part we uncover the interrelations between the spatial context and the legal framework of demolition by comparing the dimensions of the legal targets of demoli-

5. Postanovlenie Pravitel'stva Moskvy ot 20.01.1998 g. No 48 «O hode rekonstrukcii pjatijetazhnogo i vethogo zhilishhnogo fonda goroda do 2000 goda».

^{6.} Zakon RF «O privatizacii zhilishhnogo fonda v Rossijskoj Federacii» ot 04.07.1991 N 1541-1.

tion in France and Russia. What are the legal targets of demolition in the French and in the Russian urban renewal programs? How do they shed light on the different spatial dimensions (the perception of housing estates) and the spatialization of power (political, institutional, and administrative power)?

Spatial coverage: recentralization versus municipalization

Spatial coverage refers to the administrative scale and the spatial borders of the jurisdiction on housing demolition in renovation programs. Identifying the spatial coverage of legal targets provides a wider perspective on the territorialization of the juridical and political powers. In Russia, housing demolition is now managed by cities with regional status, which is the result of a municipalization process, whereas in France recentralisation explains the national coverage of the program.

French recentralization: when same rules but unequal local contexts lead to national competition

In France, the legal framework that instigated the demolition of modernist housing estates was first implemented in the context of decentralisation (the 1982 Deferre Laws that gave more power to locally elected authorities regarding the urban development) and "urban policy" (politique de la ville), an umbrella term for a set of measures aiming at fighting territorial inequalities, focusing predominantly on residential areas with large housing estates built in the 1960s and 1970s (often called banlieues due to their location outside the city). "Urban policy" appeared in the 1980s after destructive riots in banlieues [David, 2001; Dikeç, 2007; Slooter, 2019], and targeted specific areas facing socio-economic difficulties, using a "place-based" logic rather than a "people-based" one [Gill, 2010]. "Urban policy" was implemented via "city contracts" (contrats de ville) between the local city authorities and the decentralised state (the process of decentralisation here is that of déconcentration, meaning that national centralised power was transferred locally to the state's representatives such as prefects). The state financed the demolition, but it was carried out by local actors. In continuity with this policy, PNRU and NPNRU also targeted specific districts, but by re-concentration of the state's powers. The law that instigated the program (Law for Orientation and Programming of the City and Urban Renewal,

or the Borloo Law) introduced a return to the state's centralised management of urban development. This law modified the Urban Code by allowing the creation of state-dependent "Public Development Establishments" (EPA) that could take charge of urban renewal operations. Contracts between local authorities and the state were replaced by the state's investments in local renovation projects which were presented to the state renovation agency (ANRU) by the local authorities. Renovation drastically modified the ways "urban policy" dealt with the territories: its main regulating documents, the "city contracts" (contrats de ville), were replaced by the "urban renewal conventions" (conventions de rénovation urbaine), signed between the city and ANRU [Epstein, 2013].

Thus, the state power to influence local urban renewal projects makes it exceptional in comparison to ordinary legal planning procedures: a "national politique de la ville" emerged [Epstein, 2005]. This was made under the model of counter logic: local authorities had to present projects in order to get state subsidies, which weakened the consideration of local particularities of potential contestations [Epstein, 2013]. This makes the capacity of local actors to satisfy ANRU critical to obtain funding for renovation. This state funding also needed to be supplemented by financial contributions from local authorities and social housing organisations (Table 1), whose budgetary capacities are geographically unequal. Thus, spatial differentiation between cities does not determine the way demolition is implemented but the very existence of demolition itself. The model of the "republican" state, that made France more interventionist and sociallyoriented (compared to the urban policies of the US or the UK) during the first period of "urban policy" [Dikeç, 2006] from the early 1980s has shifted towards a more neoliberal logic through which cities compete for the state funding [Epstein, 2013].

The Russian municipalization process: when unequal local means lead to different rules

During the Soviet era, the state orchestrated urban development and owned urban land. Since the 1990s, urban land has been municipalized, and city governments have been in charge of defining their urban policy, including the urban renewal policy. Today, cities can adopt decrees to organise specific modalities of urban development. This became possible through the legislative and economic reforms of the 1990s, that were later solidified in the 2000s with the adaptation of the Land, Urban, and Housing Codes. The very first program of the demolition of modernist housing estates, the 1999 Mayor Luzhkov's "Program for a Complex Reconstruction of Neighbourhoods" was regulated by decrees of the government of Moscow. The renovation programs of 2008 in Saint Petersburg and of 2017 in Moscow were also shaped by the regional framework of these cities.

This does not mean that the national level was not involved. First, the implementation of the renovation program in Moscow (2017) was set through a modification of a federal law.⁷ Then, there have been federal parliamentary debates to legally structure the renovation on a federal scale [Trutney, 2017]. In 2020, the federal law modified the constitution by introducing a new renovation tool for the "Complex Development of the Build-up Territories" (Kompleksnoe Razvitie Territorij). The Moscow framework was reproduced on a federal scale. This illustrates a particular form of "authoritarian urbanism" (reminding the soviet style administrative town planning system [Trutnev, 2015]) that relies on the generalisation on the whole federal territory of "capital practices" (stolichnaya praktika): a new "technology of government" that reinforces the centralization of power in the capital [Zupan et al., 2021].

However, the question of how the renovation program will be financed in other cities is still open. In Moscow, the program was financed by the city budget, while in Saint Petersburg, the program was mostly financed by private developers (and failed to be fully implemented). Moscow's budget is much larger and private funding from developers and investors are concentrated in this region. The legal exceptionality or even the "outlaw" state of renovation in Moscow might also complicate the transfer of this practice to more politically diverse regions.

Criteria of inclusion: a spatial versus a technical approach

Identifying the criteria for inclusion provides information about the contexts, as these criteria are the products of the social representation of housing estates in society. It also highlights the influence of these criteria on the social and material geography of the targeted urban areas.

France: a spatial approach to social issues

In France, legal targets of renovation are inherently geographical: this can be gualified as a spatial approach to social problems: "space" is conceived as a "remedy to social issues" [Bellander et al., 2018]. "Urban policy", the predecessor of renovation, was formalised in the 1980s, defining 16 "urban policy neighbourhoods" (in 1993 the number rose to 400), in which divergent economic and social development measures were applied. The state also financed a few demolitions which were carried out by local actors. One of the most infamous examples was the demolition of the Minguettes housing estates in a banlieue of Lyon, in 1983, after riots there in 1981. Another riot occurred in 1990 in Vaulx-en-Velin, also in a banlieue of Lyon. This resulted in the creation of 751 "sensitive urban zones" (ZUS) in 1996, that replaced the "urban policy neighbourhoods". There has been a "territoritorialization" of the law in the material sense, that is, the adaptation of the legal norm in the function of its spatial localisation [Gustave-Huteau, 2020]. Slooter argues that the French case of dealing with urban riots is unique in Europe, as it focuses on geography and spatiality (banlieues) and not on ethnicity or religion (as in the Netherlands or the UK) [Slooter, 2019]. According to Slooter, it can be partially explained by the universalist values of the French Republic, contrary to multiculturalism of the UK or the Netherlands. The name "sensitive" urban zones refers to the fact that they spatially concentrate crime (délinquince), which shows a shift of government rhetoric from "neighbourhoods in difficulty to difficult neighbourhoods" [Bonelli, 2001]. In other terms, a "hardening of spatial boundaries of the banlieue" took place [Slooter, 2019, p. 57].

ZUS were chosen using two factors: the presence of *grands ensembles* or dilapidated housing on the territory and the statistical socio-economic hardship of its population: the highest rates of unemployment, of migrant populations, and of school failures, and the lowest incomes in the country [Pan Ké Shon, 2007]. Such areas usually contained large numbers of social housing and experienced a lack of infrastructure, such as sports facilities or schools. ZUS benefited from special tax deductions for enterprises and for individuals. ZUS became targets for renovation in 2004 with PNRU. Through renova-

^{7.} Federal'nyj zakon ot 1 ijulja 2017 goda No 141-FZ «O vnesenii izmenenij v Zakon Rossijskoj Federacii "O statuse stolicy Rossijskoj Federacii"».

tion, the authorities planned to achieve "a social mix" (mixité sociale) – diversifying the population and housing stock through demolition and reconstruction - increased security, reduced unemployment, and ameliorated educational and economical inequalities present in ZUS [Epstein, 2005]. One year after the launch of NPNRU in 2014, the complex geography of priority neighbourhoods for "urban policy" was reformed: ZUS were abandoned. The new priority neighbourhoods (1,300 overall instead of 2,600) were chosen based on only one criterion: the concentration of low-income populations (having less than 60% of the median national income). The NPNRU targeted 480 of these areas, having the "most important urban dysfunctionings" on national (216 zones) and regional levels (264 zones), respectively defined in two decrees passed in 2015.[®] These dysfunctionings are evaluated on different criteria, notably the state of the housing, its diversity, the mix of activities, the accessibility, the land availability, and the quality of the urban environment.

In France, the demolition is done for the sake of "the social mix" [Lelévrier, 2006; 2010]. Even though the notion of "a social mix" is vague, it is supposed to be achieved through a rebalancing of the percentage of social housing (and therefore of the more disadvantaged population) present on the city (commune) level. Ever since the national law SRU of 2000, every city in France is obliged to achieve 20-25% of social housing on its territory, otherwise it has to pay a fine. Cities with a very low score are encouraged to construct more social housing, while cities with a high score – these are usually territories of modernist housing estates – are encouraged to lower the percentage through the demolition of social housing (and recently through selling social housing apartments to the tenants) and the construction of private housing for the middle classes.

Paradoxically, the outcomes of renovation in terms of "social mix" can be mitigated. In the neighbourhoods destined for demolition, the richer population flees the social housing and the city faster, while the poorer population is predominantly displaced to the boundary of the same city [Lelévrier, 2010]. In the end, it is hard to measure whether renovation actually helps resolve the segregation problem [Lélevrier, 2006; 2010]. The idea behind "the social mix" itself is questioned, namely its ability to favour integration of more disadvantaged populations or its potential for political solidarity [Charmes, 2009]. Morphological changes are more obvious, and the renovation is described as "the end of grands ensembles" [Lelévrier, Noyé, 2012]. Tower and slabs are being demolished, and résidentialisation (a set of measures believed to favour the appropriation of common spaces by the inhabitants, such as installing fences) allows for the remodelling of a functionalist space to the new urbanism "city at a human scale".

Russia: a technical approach to the "housing question"

Unlike France, the legal targets of demolition in Russia are buildings defined by their physical characteristics. Renovation programs are mostly presented as answers to technical issues and legal documents do not mention any specific social issue. The first Russian demolition program was introduced in Moscow with the 1998 decree "On the reconstruction of the five-story and dilapidated housing stock of the city until 2000". The legal targets for demolition were the most dilapidated series of *khrushchevki*.⁹ In reality, a building was included in the program after an evaluation of its physical state [Gunko et al., 2018].

The 2008 Saint Petersburg and 2017 Moscow programs continued this approach of targeting specific buildings, even though their targets were enlarged, including not only the most dilapidated series of khrushchevki-modernist housing estates of Khrushchev era. In Saint Petersburg, in the renovation program could be included: "1) dilapidated housing from the official city list, 2) buildings whose actual use does not correspond to the legally permitted one, 3) apartment buildings constructed according to standardized projects of 1958-1970, 4) constructions having 70% or more physical deterioration, and 5) apartment buildings of up to three storeys constructed before 1966" (City Law № 238-39 passed 6/05/2008). With such a broad definition, almost one quarter of the city's area could be demolished. Though the actual law is less ambitious: there is a defined list of neighbourhoods to be included in the program.

^{8.} Available at https://www.legifrance.gouv.fr/loda/id/LEGITEXT000030556555/ and https://www.legifrance.gouv.fr/ loda/id/LEGITEXT000030556555/.

^{9.} Postanovlenie Pravitel'stva Moskvy ot 20.01.1998 g. No 48 «O hode rekonstrukcii pjatijetazhnogo i vethogo zhilishhnogo fonda goroda do 2000 goda».

These are delimited administrative territories, kvartaly (city blocks), for which the developer signs a contract with the city. It is worth noting that half the neighbourhoods are not composed of modernist housing estates but rather of other low density Soviet housing: neoclassical Stalinist cottages and wooden buildings. In Moscow, renovation covers either apartment buildings of the "first period of industrial construction", built according to standardized projects of 1957-1968 and with no more than nine storeys, or "analogous in structural elements".¹⁰ The decree indicates that demolition is the only solution to the dilapidation of the housing blocks and the densification of the city that these low buildings cannot absorb. Like in Saint Petersburg, there is a list of neighbourhoods affected by renovation, that was first defined in 2017 in one city government decree and then changed multiple times by other decrees.

Despite the seemingly geographical approach to renovation that might look comparable to the French one, Russia's renovation adapts another focus. In each neighbourhood, there is a list of buildings to be demolished. The neighbourhoods are not chosen according to the socio-economic characteristics of its population, but purely as administrative units. In Russia, officials inherited a Soviet-technical understanding of improving society's standards of living by providing the population with the "living space" or "housing area" [Amestoy, 2001]: expropriated and new-built housing was allocated by area, measured in square metres [Zavisca, 2012]. The housing construction was also measured in area, namely in thousands of square metres, and not in housing units. It still is; ever since the adoption of the state target program Zhilishe in 1993, the government has fixed yearly targets of new buildings in thousands of square metres for the construction sector in order to solve the "housing question". For Russia, the issue of "social mix" is not on the agenda. This could be due to the distinct history of the country: despite social and economic inequalities that were still present in the USSR [Yanowitch, Robertson, 1977], the spatial cleavages were much less visible in Soviet cities than in capitalist ones [Burgel, 1978]. However, in Moscow, this trend seems to reverse itself, as the social space has become more polarised since the fall of the USSR [Vendina, Panin, Tikunov, 2019]. Given the fact that land costs and apartment prices are high in the central areas of Moscow, one would expect that renovation would bring a richer population into these neighbourhoods. Just like in France, the layout of *mikrorayons* is supposed to be replaced by the layout of kvartaly. However, the dimensions of the new-built housing do not correspond to the "human scale" at all. New buildings built in the context of renovation were supposed to be no higher than 14 floors, but much higher buildings have already been constructed. The districts are denser, which may cause congestion of public transport and a lack of public services, even if the city government explains that new infrastructure is supposed to be implemented in the context of the renovation program. In Saint Petersburg, given the higher heterogeneity of neighbourhoods destined for demolition and the less dynamic housing market, one would expect a more fragmented and a less attenuated process of population change. The level of densification varies from neighbourhood to neighbourhood. For instance, in one peripheral neighbourhood wooden buildings were replaced by highrises.

These different criteria of inclusion highlight the influence of the political and social context on the legal tools. However, other elements also influence the demolition, but have not been explicitly mentioned in the official legal documents. In Saint Petersburg, the public-private partnership form makes it clear that profitability is necessary for the implementation of the project. In Moscow, the mayor and other officials argued that the renovation program represents an opportunity for the whole economic sphere.11 This is the official dimension of the financial and economic reasons for the implementation of the program. The renovation will enrich a couple of developers¹² who will benefit from the complete reconstruction of pericentral areas.

People and institutions: plebiscitary versus (non-)representative democratic practices

Another dimension of the legal target of housing demolition is the actors who define

^{10.} Postanovlenie Pravitel'stva Moskvy ot 15.04.2022 N 589-PP «O vnesenii izmenenija v postanovlenie Pravitel'stva Moskvy ot 1 avgusta 2017 g. N 497-PP».

As soon as during the first official announcement of the implementation of the program: Vstrecha s mjerom Moskvy Sergeem Sobjaninym. (2017, February 21). Prezident Rossii. http://kremlin.ru/events/president/news/53915.
 For instance: https://www.rbc.ru/business/01/11/2021/6156b25b9a7947581d168f33.

the demolition. Who, according to the legal documents, is supposed to decide the inclusion of a building in the demolition program, and how does it happen in practice?

France: limits of representative democracy and consultative practices

In France, the final list of buildings for demolition depends on the contents of the various "contracts" that specify the types of projects (new construction, major repairs, demolition) in a specific district. This contract is signed by ANRU, the municipality, and other administrative entities financing the project (the *département*, the *région*, the Deposits and Consignments Fund, etc.). The implementation of the demolition depends on the agreement of politicians, locally elected representatives, or representatives of the government. It is the result of political alliances, strategies between mayors and other officials, and financial negotiations. Residents are not specifically included in the law, and consultative procedures, such as public meetings, are more symbolic than truly effective [Donzelot, Esptein, 2006]. Their role has nevertheless been reinforced by NPNRU. They are now represented by "residents' councils" and "maisons du projet" (temporary buildings located in renovation districts where residents can find information about the projects), but these were rare ahead of the project. However, as some of the authorities are elected (by residents) representatives, housing demolition can have an influence on their political popularity.

Saint Petersburg: representative versus executive power

In Saint Petersburg, the "approximative list" of neighbourhoods subjected to demolition – as it appears in the first version of the renovation law – was defined by the city government and voted on by the city council. This list was made up of suggestions from the heads of city rayons (executive power of inner-city administrative units) and negotiated with the city deputies and the city government.13 The "approximative" character of the list was due to the fact that technical and economic appraisal of renovation in these neighbourhoods, financed by the city budget, was not possible before the adaptation of the law by the city council, and the city government promised the city

council to establish a "final list" once the appraisal was done. The city government did not keep its promise and confirmed the "approximative list" of renovation neighbourhoods shortly after the law was passed by the city council. This can be understood as a continuation of the long-standing confrontation between the city council (heir of the Soviet of Leningrad) and the city government, unfolding on a city-wide scale.

Moscow: plebiscitary democracy practices

In Moscow, the voluntary character of the inclusion of an apartment building in the program was emphasized. A municipal decree implementing the renovation program defines that a building could be included in the program only with the agreement of its owners or social renters. There were two possibilities for residensts to participate: either organize a general assembly of owners, or to take part to the voting organized by the city governement [Inizan, Coudroy de Lille, 2019]. The building was subjected to demolition if the majority of the residents are were the demolition. The second possibility was to organise a "general committee of owners" (a meeting whose conditions are defined in the Housing Code) to include or exclude the building. The list of buildings to be demolished, first proposed by the city government, was then adjusted according to the vote of owners and social renters, who either excluded their building from the program, included it even though they were not on the initial list, or agreed to the initial inclusion. Thus, some buildings included did not correspond to the official criteria of the city decree. Inhabitants voted against or for renovation although they did not know when they would be rehoused. The list of planned demolitions was published in July 2017. This voting procedure was quite new in Russia. It can be understood as an increasing "plebiscitary democracy" in Russia [Yudin, 2021], and more specifically in Moscow. The implementation of the application "active citizens" of various consultative projects may be interpreted as a way to legitimize the actions of public authorities. However, it was sufficient to integrate every resident's claim and expectations.

One of the surprising consequences of the definition of the legal targets of demolition in Russia is the unexpected politicisation of some residents. In one neighbourhood in Saint Petersburg, a group of local

^{13.} Interview with a city deputy.

residents engaged in an "apolitical political" protest against the demolition [Trumbull, 2014; Tykanova, Khokhlova, 2019]. They gradually switched from localised actions in the neighbourhood to the more politicised actions on a city-wide scale with more experienced urban heritage protection groups. Nonetheless, these new activists refused to call their protests "political". In Moscow, some residents decided to run for local municipal elections after participating in the struggle against demolition [Zhelnina, 2020]. The elections of September 2017 saw an unprecedented number of independent municipal deputies being elected. However, these deputies were still in a minority compared to the United Russia representatives and did not have much political power.

Iterations of the legal documents regulating demolition: negotiation inside and outside the procedural framework

In France and Russia, the legal targets of demolition were not static. In France, the contract that the city signed with ANRU was often modified by multiple amendments. However, the changes could occur outside of the legal framework itself. For example, in one city in the banlieue of Lyon, there is a neighbourhood of modernist housing estates for which the contract for the renovation project is still not adopted. The legal targets of demolition are still under discussion between the political forces. The local elected officials (mayor on the left and his team, joined recently by the council of the metropolis of Lyon, now dominated by the Greens), based on the will of the residents, want to keep and refurbish some housing estates, while ANRU originally supported complete demolition.

In Saint Petersburg, there are 23 neighbourhoods included in the program. This geography was not defined as such from the beginning: following multiple amendments in 2008, 2009, 2011 and 2014, 18 neighbourhoods that were initially included in the program left it, one additional neighbourhood was included, and one neighbourhood had its perimeter changed.¹⁴ This was due to negotiations that took place before and after the first adaptation of the program in 2008. For instance, residents of two affluent neighbourhoods included in the preliminary list published in 2007 voiced their discontent at public hearings, and with the help of city deputies managed to exit the program before 2008.

In Moscow, the final list depended on the voting procedure that was defined by a municipal decree (2 May 2017), published even before the law prescribing the exact conditions of rehousing was legally adopted. It is also worth noting that many conditions and guarantees which stand in the final version of the law (August 2017) are sometimes presented as victories obtained by residents who took part in various protests during the spring of 2017 [Khmelnitskaya, Ihalainen, 2021]. Legally, residents who organised committees of owners can "exclude" their building from the program as soon as they want.

Conclusion: Extending the legal geography comparative approach

This article proposed a concept that allows us to compare housing demolition in different geographical contexts. We suggested the concept of "a legal target of demolition" to examine demolition from a legal perspective and take into consideration the geographical context of the production and application of the law. We justified the possibility of comparing the demolition of modernist housing estates in France, in Moscow and in Saint Petersburg. Finally, we explored the mutual influences of legal frameworks and geographical contexts in our case studies through the lens of "legal targets of demolition". Their first dimension – spatial coverage-revealed two geographical processes, namely recentralization in France and municipalization in Russia, defining the areas of the application of demolition. The second dimension - the criteria of inclusion - showed two different conceptions of space and of housing-related problems. In France demolition is influenced by the idea that social problems are spatially concentrated and can be solved through space, in Russia demolition comes as a solution to a technical problem of a housing shortage (even though socially constructed and backed by the financial interests of the city and developers). The third dimension - people and institutions – pointed at surprising constellations of democratic and less democratic practices in play: renovation in Saint Petersburg showed the tension between the representative and the executive bodies of the city, Moscow's program showed how plebiscitary

^{14.} Zakon Sankt-Peterburga. Ob adresnoj programme Sankt-Peterburga «Razvitie zastroennyh territorij v Sankt-Peterburge» (s izmenenijami na 2 ijulja 2020 goda).

democracy can be used to achieve authoritarian means, while the French case showed the limits of representative democracy. Interestingly, both Moscow and Saint Petersburg cases opened up the possibility of politicisation through demolition. Finally, various iterations of the legal documents allowed us to trace procedural/non-procedural negotiations that took place in all three cases.

The legal framework of renovation is adapted and unequally implemented depending on the different regional or local context. This opens other perspectives to enlarge this comparative approach. First, we focused on two contexts that can be compared because of several points of resemblance (modernist housing estates, demolition-reconstruction policies), but also because of the similar experiences of shifting from socialist modes of governmentality (Foucault's gouvernementalité) to neoliberal ones. In France, this change since the decentralisation laws can be described in terms of evolution from "urban government" to "urban governance" [Le Galès, 1995] that encouraged competition between cities. In Russia, the post-Soviet transformation could be explained in terms of "the urbanisation of transition" [Golubchikov, 2016] which translated into the intensification of land use and real estate development. Therefore, this comparative approach could be extended to other countries having experienced a shift of governmentality. Although this shift is not a discreet movement from point A to point B; as Valverde showed in the case of city noise regulations, different modes of governmentality can coexist [Valverde, 2011].

Nonetheless, there are limits to such a comparison. In France, information about the renovation (the list of neighbourhoods included and the amount of funding for each neighbourhood) is open access. In Russia, such information is incomplete. In Moscow and Saint Petersburg the stated funding is only for the whole program and not for each neighbourhood. On a general level, the precision and quality of statistical information in Russia can also be questioned. The varying level of financial transparency and democratic development is another obstacle to properly comparing France and Russia. Opening the black boxes of urban policy production (unofficial negotiations, financial interests) in both countries is not an easy task. Studies have proven than despite the difficulties, elected representatives can share critical perspectives on public policies in France, whereas in Russia, such statements are much more dangerous and can incur political pressure and administrative penalties.

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КОМПАРАТИВНЫЙ ВЗГЛЯД: ПРАВОВАЯ ГЕОГРАФИЯ СНОСА ДОМОВ ПРИ ГОРОДСКОЙ РЕНОВАЦИИ

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Аннотация. В этой статье мы представляем концептуальный инструмент, который позволяет использовать в рамках правовой географии сравнительный подход к исследованию сноса модернистских жилых комплексов в разных географических контекстах. Мы утверждаем, что «правовые цели сноса» являются эффективным критерием для проведения такого сравнения. Мы обсуждаем четыре измерения этого сравнения (пространственный охват, критерии включения, люди и институции, повторение закона), а затем применяем их в трех исследовательских случаях: Французские национальные программы обновления городов (PNRU, 2004-2020 и NPNRU с 2014 года), Российская реновация в Санкт-Петербурге (с 2008 года) и в Москве (с 2017 года). В заключение мы раскрываем преимущества и ограничения такого сравнительного подхода в двух очень разных политических и социальных контекстах.

Ключевые слова: реновация; снос домов; сравнительные городские исследования; правовая география; обновление города; модернистские жилые комплексы; Франция; Россия; Москва; Санкт-Петербург

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