FREEDOM TO PARK:

Post-Socialist Automobility in Tallinn, Estonia

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Declaration

I, Tauri Tuvikene, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

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Abstract

This dissertation examines a significant—yet seemingly banal and largely unstudied—question of urban living: car parking. While car parking has emerged as a problem in various parts of the world throughout the twentieth century, the rapid motorisation since 1991 has made it a particularly intense topic in the former Soviet Union. By investigating the problematic of parking governing in the city of Tallinn (Estonia) the dissertation has two aims. Firstly, it draws attention to the role of materialities in urban research. It is argued that to govern means to govern in relation to materialities. Thus, the research develops the notion of material governmentality inspired by the work of Foucault and the actor-network studies on the agency of things. Secondly, the dissertation re-conceptualises the notion of 'post-socialism'. While the term 'post-socialism' is often utilised for cities located in Eastern Europe it is routinely comprehended as spatially and temporally bounded. To make the term more applicable, it is revised into a concept allowing attention to various continuities and anti-continuities emerging in aspects, rather than in terms of cities and societies in general. Material governmentality and post-socialism are explored in the dissertation through three cases dealing with different facets of the parking regulations in Tallinn. Firstly, the thesis looks into the legal debates on the governing of car parking, analysing questions about the constitutionality of the state in a society wishing to move away from the totalitarian practices found under socialism. Secondly, the thesis investigates the contradictions of the 'will to govern' and 'legal voids' as they emerge in relation to materialisations and post-socialist continuities of parking standards and failing regulations of parking operators. Thirdly, the research investigates the ways in which governing procedures are affected by the continuities of the Soviet spaces using the case of a Soviet housing estate.

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1 Introduction

> In parking, the contest over power is the power to exert and to challenge legal as well as social notions of rights, presentations of identity, and claims of ownership to sites of property. (Marusek, 2012, p. 2)

> [T]he problem posed by contemporary neoconservatives and communitarians alike: how can one govern virtue in a free society? It is here that we can locate our contemporary 'wars of subjectivity'. (Rose, 1999, p. 46)

> [M]aterial objects should not be thought of as the stable ground on which the instabilities generated by disputes between human actors are played out; rather, they should be understood as forming an integral element of evolving controversies. (Barry, 2013, p. 12)

Why should any social scientist be interested in car parking? What could be of interest in questions about where to park, for how long and for what price? These are issues that drivers have to put up with in cities all over the world, but they appear so mundane and common that an urban scholar—especially one who is more theory oriented—would hardly even notice. I think that this is a mistake. Car parking is more than a mundane matter. The least that this dissertation aims to achieve is to convince the reader that car parking is important for urban studies as well as for social research in general. But the aim of the thesis is more ambitious than that.

When the city officials of Tallinn chose to modify a line on a map that separated a paid parking zone from areas where parking was free in the beginning of 2010, they did not realise what they would unleash. The authorities had decided to increase the paid parking zone of Tallinn into a residential area neighbouring the Old Town. This set off a citizen protest that, as one of the activists summarised, drew together a diverse group: some who were pro car use, some who simply disliked the leading political party of Tallinn, as well as those campaigning for other things altogether. For a brief period of time, the debate between these activists and the city became a major media event, covered by all the major national media outlets. Eventually, in the heat of this protest, the city government backed off from its plan. This fight against paid parking hints at the significance of the seemingly mundane practice of car parking present in many cities today.

However, the 'freedom to park' goes even deeper into questions of urban governmentality; it can have a constitutional significance. Take for example the

question of the wheel clamp; a device used to immobilise incorrectly parked vehicles. In 1994, the Estonian Supreme Court ruled that the city of Tallinn's practice of using wheel clamps on cars that are in violation of parking rules was against the national Constitution. Being a young boy at the time I did not understand the implications of those debates. But the memory remained with me that wheel clamping was so illiberal that a democratic country would not carry it out. Arriving in the UK, I was surprised to learn that wheel clamping was a common practice. What I remembered from the Estonian debates suggested that such a device could not possibly be used anywhere in the democratic world. It was this dissonance that led me to think more carefully about car parking as a concern for both of urban living and that of governance. This case is investigated more thoroughly in Chapter 6, but the way that this issue linked materiality and governing also sparked an interest in uncovering the formation of local governance in Estonia as it has unfolded in relation to car parking over the last twenty years; and this is what the thesis is about.

With increasing car use, governments in many places have faced questions over the ways in which automobility should be governed. As cars are immobile for more than 90 per cent of time (Shoup, 2005), the provision of parking spaces is one of the central challenges presented by mass automobility. Tallinn has seen a massive increase in car ownership since the collapse of the Soviet Union. With the increase of car ownership recent and rapid in Tallinn, the local government has faced a serious test of its capacities to govern car parking. In Estonia, private automobiles have turned from objects that are hard to acquire to a nearly ubiquitous element within urban environments, with ownership almost trebling between 1991 and 2011[1]. This broadening of automobility transformed questions of parking regulations into questions about how much different parts of the state can intervene into citizens' lives. However, the physical form of cities—characterised by density and problems of circulation—in many ways necessitates the active directive governing by various city authorities. In order to deal with the question of parking—which often quickly transforms into the question of the 'freedom to park'—the city of Tallinn had to wrestle with the legal framings of freedom.

[1] In 1991 there were 161 cars per 1000 inhabitants and in 2011 the number was already 428 cars per 1000 inhabitants.

The aim of the dissertation is thus to explicate urban environments as entities that are governed but where governing is both a material endeavour and has to deal with various ways in which the past becomes to matter. The research commenced with one underlying question: How can automobile use be regulated in relation to the individuals' 'right' to conduct their life in the way that they deem appropriate? This principal question has been investigated through three sub-questions:

- In what ways does the Soviet history influence notions of freedom and practices of state intervention?

- What particular techniques to govern automobility have been developed in Tallinn, how are these put into practice, and with what effects?

- In what ways is materiality relevant for the practices of governing?

Through an analysis of these three questions, the thesis aims to contribute to the field of urban studies by drawing attention to mundane aspects of cities (car parking); by combining actor-network theory and governmentality into a research framework (material governmentality); and advancing the strand of research in urban studies formed around comparative urbanism by bringing in perspectives of 'post-socialist cities'. These three aims of contributing to urban studies lead to three main lines of argumentation in the research.

First, I draw attention to the minor aspects of cities that tend to be forgotten. I argue that if properly brought into focus such aspects are informative for social analysis. Thus, while cities are commonly seen as complex entities, there is still more effort needed to unpack that complexity in ways that the otherwise insignificant entities are not transformed into wider processes or pre-given categories (such as neo-liberalism or processes of capitalism). At the same time, however, power relations should also not be downplayed. Secondly, I draw attention to materiality as an actor in processes that are usually seen as merely legal, political or social. I will elaborate on the active engagement of artefacts in governmental practices to show how materiality matters for understanding why certain perspectives have been taken in the governing processes. Thirdly, I will draw attention to the socialist past that enters as a continuity and anti-continuity to the contemporary society influencing the ways in which things are done.

This observation leads me to re-consider the notion of 'post-socialism' and to treat it less as a term characterising a context or a condition and more as a de-territorialised concept that can be introduced to the analysis if and when it offers analytical potential.

I will introduce these three concerns briefly in the introduction before outlining the way in which my thesis addresses them.

1.1 Cities and complexity

Complexity as a key characteristic of cities is noted by many major figures of urban scholarship (see also Amin and Thrift, 2002; Wachsmuth et al., 2011). Notions such as 'heterogeneity', the city stimuli and many-sidedness that create drama appear already in writings of earlier thinkers of urbanism (Wirth, Simmel, Mumford). Similarly, Edward Soja (2000, p. 12) notes about urban life that '[t]here is too much that lies beneath the surface, unknown and perhaps unknowable, for a complete story to be told.' In *Urban Experience* the eminent Marxist urban scholar David Harvey (1989, p. 1) acknowledges the 'million and one surprises that confront us on the street'. From the governmentality perspective, Osborne and Rose (1999) express the 'complex multiplicities' that the existing cities are. In contemporary poststructuralist urban research, the complex and multiple nature of the city is taken even further and pointed out by many (Amin and Graham, 1997; Amin and Thrift, 2002; Farías and Bender, 2010). Thus, at least at the abstract level authors from different time periods and belonging to various theoretical camps agree on the ontology of the urban. The city as a complex form of socio-spatial organisation with heterogeneous processes directed by various actors and leading to often unknown outcomes is a perspective that would be agreed by authors drawing on Marx, Weber, Lefebvre, Foucault or Deleuze. Yet, while there is an agreement on what the city is, there are diverging understandings concerning how to approach the city.

Firstly, in urban studies neo-Marxists have approached urban phenomena by focusing on processes that seem to be underlying and structuring. For instance, referring to Marx's reprimand that 'if everything were as it appears on the surface then there would be no need for science' (cit in Harvey, 1989, p. 10), Harvey (p. 13) seeks to construct 'a theory of the historical geography of capitalism in general and the role of the urban process under capitalism in particular.' The Marxist intellectual apparatus is preferred by Harvey (ibid., p. 10) for its 'explanatory power' as 'by showing how the underlying concepts can, when put in motion, help us understand all kinds of surface occurrences

that would otherwise remain incomprehensible.' Thus, the analytical framework that focuses on the developments of capitalism such as 'processes of capital circulation; the shifting flows of labor power, commodities, and capital; the spatial organization of production and the transformation of time-space relations' (ibid., p. 7) is used by Harvey not because he claims that to be everything that takes place in the city—as he well acknowledges its complexity—but because it reveals what might otherwise not be noticed.

However, such a framework that aims to simplify the complexity or find underlying currents might be turned into a reductionist way of analysis. Notions of 'underlying processes' and 'surface occurrences' have indeed the prevalence to render much of this complexity invisible. If what matters is the circulation of capital, then everyday practices or nonhuman agency indeed would not appear exciting and be thus ignored. These assumptions necessarily have invited critique from a number of scholars interested in more nuanced stories of urban or those interested in other processes—such as patriarchal power relations—neglected by Marxist analysis (see Duncan and Ley, 1982; Rose, 1984; Rose, 1993; Thrift, 1996). Edward Soja (in 2000, p. 94), who is otherwise sympathetic to neo-Marxist approaches[2], echoed his concerns of drawing too much from Marx and Engels by citing Lefebvre's warning that the 'illusion of transparency' found in those approaches means that 'the spatial specificity of urbanism' (ibid. , p. 94) is in danger 'to disappear a subject worthy of serious analysis' (ibid. , p. 94). Rather than reducing urban phenomena, then, the neo-Marxist perspective should remain more attentive to urban diversity with the use of a simplifying model that is merely a 'model'.

The second perspective on urban complexity that I would like to stress here is an approach that faces complexity head on without wanting to simplify it with a model. This approach—although not unitary—draws from actor-network theory (ANT), science and technology studies (STS), assemblage theory and non-representational ways of analysing the city. Even though some proponents of this manner of research have been closer to the dominant neo-Marxist framework in urban studies (e.g., Graham and Marvin, 2001; McFarlane, 2011a), others have stressed the departure from neo-Marxism

[2] Even though Soja sees the urban condition as diverse and is, thus, attentive to complex analysis, he still mainly falls back to similar assertion of the primacy of capitalist urban processes as neo-Marxist approaches.

offered by assemblage and actor-network theory (Amin, 2013; Farías, 2010; Latham, 2002, 2003). Assemblage and actor-network approaches provide a sensibility through which to see cities as relational and multiple where non-human entities also have a role to play. Analytical tools that are open to the variety of elements that play a part in urban life—tools that are more symmetrical and flat—are not necessarily superior to more structural ways of analysis, but by being more nuanced they might offer a more accurate comprehension of the urban condition as we experience it. Simone (2011, p. 356) thus notes in defence of assemblage urbanism that 'the impetus to think about assemblages as a modality through which the urban instantiates itself seems to reflect a desire to make more use, better use, of all that exists in urban life.' The urban is, indeed, necessarily much more complex than any analysis that would seek to find one underlying process or force could capture. Cities often exceed the framings that analysts bring forward which is noted perhaps most forcefully by Amin and Thrift (2002, p. 30): 'Cities are machines of consumption? Yes, but never just that. Cities are artefacts of the state? Yes, but never just that. Cities are generators of patriarchy? Yes, but never just that.'

The notion of assemblage as well as the intellectual apparatus from ANT and STS—with their ethos attuned to the emergent and the seemingly unimportant but potentially decisive ingredients of the urban—might just be better equipped for the task of theorising the complex urban phenomenon than neo-Marxist approaches. Assemblage thinking has provided tools to open up an alternative vision of the city whereby car parking appears as a significant issue to be studied. But in addition to noting the assembling of diverse set of elements, one also should note that cities are traversed by regulatory practices and intentions that necessitate the use of analytical perspectives that are attentive to governing. Whether recognised or not, whether successful or not, modern cities are governed by a myriad of regulations (Valverde, 2012, 2011). Those regulations include urban planning, management of streets and other utilities, traffic rules as well as a number of rather small regulations. These require the maintenance of certain qualities of properties or designate who, where and when can park their individual automobiles. In this dissertation I offer analysis that draws attention to the materialities in the governing processes by combining writings of Foucault and those inspired by his work with the literature organised around the ANT. The concept I invent and introduce in this thesis is material governmentality.

1.2 Material governmentalities

As Foucault (2007) claimed, to govern means to govern in relation to something and someone. In modern societies and as the case of car parking regulations vividly reveals, such governing is unable to direct the behaviour of artefacts and individuals but has to take into consideration their needs and wishes. Such governing practice is what Foucault (2007) alongside many other writers drawing on his work (see in particular Barry et al., 1996; Burchell et al., 1991; Dean, 1996; Rose, 1999; Rose and Miller, 1992) have elaborated upon through the notion of governmentality. While definitions vary, governmentality is an ongoing problematisation about how to govern in relation to freedom which should thus not be excessively restricted. A stream of research on governmentality has elaborated on governing techniques that rather than working *against* freedom, govern through freedom (Rose, 1999). According to such takes on liberal governmentality, in 'advanced liberalism'/neo-liberalism citizens are subjected to take care of their own lives and find ways to better their conditions while also being beneficial for the society as a whole. Nevertheless, one should be careful in stressing the shifts in governmental thought, as the state is a complex entity that does not act in unity with various aims and elements pushing in different directions (Desbiens et al., 2004; Mitchell, 1991). Moreover, a number of authors have observed that materiality also has an important role to play in terms of how governing is done (Barry, 2001; Braun, 2014; Bulkeley et al., 2007; Darling, 2014; Joyce, 2003); they thus provide an inspiration for the term 'material governmentality' investigated in this thesis.

Materiality, firstly, is often a concern itself leading to the demands of governing. The exploitation of resources, climate change and pollution are all changes in the ways that materialities are configured: thus, these concerns are equally pertinent for social and natural sciences. But urban materialities in particular are often such that they demand an intervention. Urban overcrowding, development of slums, decrease in water quality and spread of diseases are all questions that have at least as much to do with material relations as with social matters. Thus, the way they are tackled involves material interventions such as water systems (Gandy, 2005) and modernist urban planning of sewage and streets which rather than only being material include also moral and social concerns (Joyce, 2003). In this context, we can note that car parking is a twentieth century concern about how to control the flow of cars in the streets while still allowing access to different shops, services and other places (Norton, 2008). More recent

conceptualisations of parking regulations have linked parking to social and environmental justice and saw management of parking as a way in which it is possible to work towards a modal shift from car-based mobility to alternative and more sustainable modes (see in particular Shoup, 2005).

Secondly, material entities themselves resist and alter actions directed to them. As Latour (2005) argued, materialities should not be conceptualised as intermediaries whereby input defines output but should rather be thought of as mediators with agency. Using a speed bump to reduce a vehicle's speed is in many ways different than merely putting a traffic sign demanding a driver to do so (Latour, 1992). In the following chapters I consider how particular materialisations change the way in which citizenship rights are seen (Chapter 6) and shape how an activity is related to the conceptualisations of legality and state regulation (Chapter 7). Nevertheless, I am not arguing here that materiality should be seen as agentic in itself. Rather, I follow Bennett (2010) in conceptualising material entities to work in assemblages including multiple different human and non-human actants.

Governing, thus, is itself a complex task with complications emanating from expectations of citizens, contradictions in state apparatus and various materialities. But the way in which these three aspects matter owes significantly to the historical continuities and changes which somewhat vary from place to place. As Chapter 6 to 8 will show, the material governmentality of car parking in Tallinn is in many ways shaped by the local past, present and anticipated future that provides spatial and institutional conditions for 'post-socialist' developments. We should thus note the ways in which localities matter beyond being merely 'area studies'.

1.3 Re-considering 'post-socialism'

The line of thinking, variously named 'comparative urbanism' (McFarlane and Robinson, 2012; Nijman, 2007; Robinson, 2004), 'relational comparative approach' (Ward, 2010) and 'global urbanism' (AAG 2013 session) draws from a postcolonial critique to increase the attention of urban studies to cities 'beyond the West' (Edensor and Jayne, 2012) as more than empirical cases for 'western' theories or as more than mere objects of development. This also means the revision and revitalisation of concepts emerging from scholarship regarding non-Western contexts. This has occurred with the term 'informality' (see, e.g., Bunnell and Harris, 2012) but similar revision and

revitalisation can be accomplished with terms previously capable of no more than describing a region.

This dissertation deals with the notion of 'post-socialism'. In its previous uses within urban studies, the term has either referred to a spatio-temporal context (a post-1991 Central and Eastern Europe) or, taken a bit further, has been used to consider the relational and hybrid nature of societies and cities. Nevertheless, in both of its usages it refers to the city or society as a totality in which case it still remains a tendency to—or potential for—considering CEE cities as backwards or on a pre-set path from socialism to capitalism. Such perspective would thus not allow cities in CEE (as Tallinn is) to be on the equal plane with those that currently enjoy central position in urban studies. This dissertation, instead, revises the notion into a concept that can be used to make sense of certain aspects of cities and societies both in Central and Eastern Europe and all over the world. Such a revised concept of post-socialism—a de-territorialised concept—would not be applied to cities or societies in general as a 'totality' defined as post-socialist but used where relevant for the analysis of certain issues such as freedom, the Constitution, parking standards which are all discussed in the dissertation. Cities thus remain 'ordinary' (Robinson, 2006; see also Amin and Graham, 1997) and can be described with the use of different concepts including the concept of 'post-socialism'.

By re-configuring the term 'post-socialism' to apply to certain aspects of cities and societies whilst keeping the connection between 'post-socialism' and comparative urbanism, the research offers a way to attend to cities as complex entities made of multiple elements including non-humans, and with local characteristics of cities also still recognisable. Being attentive to 'post-socialism' as well as to the complexity and materialities of urban is thus an integral part of the dissertation.

1.4 The outline of the thesis

The thesis calls to attend more thoroughly to the socio-materiality of cities. It is argued here that in order to more fully understand what kind of entities and processes cities are, one should draw attention to governing and materiality. In liberal societies, however, these are intertwined with questions of freedom about how much citizens can be regulated and in what ways. In Tallinn, these questions are also related to post-socialist changes, continuities and anti-continuities. In this dissertation, the attention is thus drawn to the ways in which materiality matters in the processes of governing car

parking, and how the past—as in that of the Soviet era—affects contemporary processes. To better comprehend those two aspects—materiality and post-socialism—the dissertation develops the concept of material governmentality and revises the notion of post-socialism into a de-territorialised concept. These two concepts are then used in the empirical chapters (Chapters 6 to 8) in relation to specific cases regarding car parking governing processes in Tallinn.

The theory section is divided into three chapters. Chapter 2 introduces the concept of material governmentality in two parts. Firstly, it outlines the Foucault's notion of governmentality suggesting we follow less its conceptualisation as a liberal governmentality and more its sentiment to capture the various ways of governing in relation to freedom. Secondly, the chapter introduces the agency of things by moving from more general actor-network concerns of the dispersal of power and the role of materialities in socio-material assemblages to the politics of material entities. The chapter ends by drawing out the concept of 'material governmentality'.

Chapter 3 takes the notion of material governmentality to discuss socio-material governing in cities. The material character of cities has been particularly inviting for directive diagrams of governing such as police power that draw more heavily from the administrative logic than from the legal logic that is driven by liberal ideas about how the state and an individual should be related. In particular the chapter outlines automobility and car parking as specific material concerns that have been problematised and made subject to governing by transport planning.

Chapter 4 suggests ways in which the notion of 'post-socialism' as used for cities could be redefined to make it more attentive to the critiques offered by comparative urbanism. The chapter outlines the emerging literature of comparative urbanism, draws out the previous ways in which post-socialism in cities has been thought about both as a spatio-temporal container and as a condition and finally suggests a novel approach of post-socialism as a de-territorialised concept. Post-socialism as a de-territorialised concept applies to particular aspects in cities and societies rather than aims to totalise their experience and is thus a more attentive tool to understand cities as 'ordinary' rather than subject to fixed paths of development. Post-socialism as a de-territorialised concept is then elaborated on in terms of continuities and anti-continuities in Tallinn providing,

then, an introduction to the city of Tallinn. This discussion will be extended in the empirical part of the thesis.

The reflection on methods used in the thesis by Chapter 5 is followed by three empirical chapters. The cases were selected so that they would, firstly, cover the post-1991 Tallinn temporally and spatially: while Chapters 6 and 7 reflect mainly on the central city, then Chapter 8 is about housing estates located in the outskirts of Tallinn. Secondly, each chapter offers a take on materiality in governing procedures: Chapter 6 shows material limits on governing (attending to parked cars); Chapter 7 elaborates on how materiality re-orders relations in terms of governing (attending to the surface material) and Chapter 8 highlights the way in which materiality allows for certain models of governing (attending to the physical urban plan). Thirdly, each chapter provides a slightly different take on post-socialism: while Chapter 6 highlights anti-continuity, Chapter 7 and 8 show continuity (the former demonstrates continuity in governing methods and the latter in the physical space). Each empirical chapter can be read as a stand-alone case study as they build on different sets of material as well as advance a different argument. Nevertheless, taken together they all give meaning to the two core concepts of the thesis: material governmentality and post-socialism.

Chapter 6 elaborates on material governmentality and post-socialism by looking into the legal complexities of governing resulting from the materiality of parked cars and the constitutional curtailment of state power in a society that aims to be liberal and depart from how the Soviet state was or was imagined to be subjecting its citizens. The introduction of paid parking in Tallinn in 1993 was marred with a decade of uncertainties about how to make drivers actually pay for it. The early measure—the wheel clamp—was effective but in its effectiveness also highly contentious leading to constitutional debates and the resultant illegality of wheel clamping, first in 1994 and then finally in 1998. Another measure of governing—the parking fine—was similarly controversial being subject to various Supreme Court and Parliament debates. Nevertheless, it was finally accepted as a regulatory device with the city government of Tallinn legally assured significant powers to govern car parkers. This eventual acceptance of the local state power—although with debates lasting over a decade and still through complex legal manoeuvring—comes down to the materiality of parked cars which could not be regulated in the liberal ways that the legal actors of Estonia imagined.

Chapter 7 elaborates on the concepts of material governmentality and post-socialism by discussing the encounter between the 'will to govern' and the 'legal void' in regulating parking on private land in Tallinn. The chapter attends to materiality and post-socialism as ways to understand the diverging state power in relation to urban planning in Tallinn by analysing parking standards as 'strong state' and off-street parking lots on derelict land as 'weak state'. The chapter, thus, encounters materiality by conceptualising the parking lots' surfaces which have become a key component in defining whether a local state has capacity to use urban planning on private land in Estonia or not. While parking standards deal with paved parking lots, then private businesses exist in a 'legal void' (legal but unregulated) precisely because the 'urban void' (a derelict land) is combined with legal comprehension of urban planning in Estonia. Urban planning in the country is concerned merely with what is defined as 'constructions' and these parking lots were not seen as ones. In addition to materiality, the chapter attends to the importance of Soviet history—which form post-socialist continuity—that makes the parking standard an accepted governing technology possessed by the local state despite this tool's significant power to direct matters on private land while the relative novelty of the parking business on private land has raised questions over whether it should be regulated at all by city authorities. Thus, the 'will to govern' is subject to various concerns apart from the desire of governors (which is what some authors, such as Valverde, 2012 tend to focus at) and is in this case curtailed by certain legal imaginations.

Chapter 8 deals with material governmentality and post-socialism in terms of governing car parking in a Soviet era housing estate. The chapter introduces the 'parking problem' in Tallinn's oldest housing estate *Mustamäe* where the 'problem' has emerged in interaction with the increased car ownership and the incapacity of the residential district—planned according to modernist 'neighbourhood utopias'—to accommodate those cars on existing parking spaces. Residents have thus informally extended parking spaces onto grass. The local state has stepped in, but rather than having a radically new vision it merely formalises what housing estates have already done. The state is thus at the same time active and relying on the agency of individualised actors. The chapter argues, firstly, that the physical plan of the housing estate with buildings located in vast parks and roads meandering between these as cul-de-sacs affected the choice of centralised governing tool because it has been difficult to parcel the area into privately owned land plots. Secondly, the chapter shows how the decision to privatise buildings

to their residents in the early 1990s in Estonia led to the lack of financial capacities of city governments with the governing in housing estate done through communities—flat-owners' associations (FOAs). Such a neo-liberal technique of governing—centralised but working through individual actors—is thus not so much an ideological one but a pragmatic response to dealing with the 'parking problem' in the material and institutional environment of the city of Tallinn.

2 Material governmentality

This chapter introduces and elaborates on the notion of material governmentality. The term material governmentality underlines that governmental intervention takes place against and in relation to the agency of things. I introduce this term in order to capture the city as a complex but governed entity, and thus form a foundation for forthcoming analysis on car parking regulations in the city of Tallinn.

I deal with governmentality—which is one part of the concept of 'material governmentality'—not because I am interested in the expansion of the state into more aspects of life, which is the way the term has often been defined. Instead, governmentality is a useful framework to capture the problematics of governing in liberal societies. As Walters (2012) argues, in the studies of governmentalities there has been a 'tendency of researchers to find the practices of surveillance and (self-)discipline lurking in all sorts of unexpected places' (p. 52). Similarly, there has been a tendency to define neo-liberalism – 'as *the* political question of the day' (p. 42) and to focus on the state as the main—if not the only—actor whose documents and programmes contain the up-to-date procedures of how to govern. Instead, Walters discourages turning 'governmentality' and other Foucauldian terms into concepts with more coherence and 'applicability' than Foucault himself provided. Walters suggests approaches that are more 'fluid' and closer to the empirical case; that governmentality should not be applied but rather encountered in the practice of critical exploration of 'events'. Governmentality is thus seen in this thesis as an ongoing problematisation—and the ongoing and often failing introduction of plans, projects and technologies—of how to govern in relation to freedom[3].

The problematisation of governing involves a variety of actors (such as different parts of the 'state', particularly the complicated interaction of 'legal' and 'administrative' sides of the state), tools (textual, symbolic and physical), moments of confrontation and generation of ideas on how to find solutions. But the problematisation of governing must be careful not to neglect materiality, particularly when the governing concerns

[3] The difference between 'governmentality' and 'liberal governmentality' as used here should be clarified. While the latter offers an answer to how to govern in relation to freedom as 'governing through freedom' then the former takes freedom as one of the concerns that governing procedures have to tackle whereby 'governing through freedom' would be just one option rather than the only or the main option.

cities. Firstly, materiality matters in cities as it causes 'problems'—such as multiple problems of density and circulation—that result in 'wills to govern' (Miller and Rose, 1990; Rose, 1999; Rose and Miller, 1992). Secondly, materiality affects the process of governing: certain forms of materialisation make governing easier or, vice versa, restrict the means that governing authorities can use. Materiality is thus a tool in the hand of the governing power but also in many ways exceeds the governing capacity. This observation brings out the material forces that participate in the making of social life.

The way in which materiality enters into analysis from studies of socio-technical systems, actor-networks or assemblages differs significantly from how it has been represented in much sociological research. In the latter approaches, material objects are conceptualised as parts of consumption, as signifying taste, or as personal attachments whereas the former approaches have shown that without certain objects, other phenomena would not exist or would be different: there is no high-speed internet without cables under the sea, moving in the city (including the spatial characters of the city) by car is different than by bicycle or public transit, or, to take a banal example, 'hitting a nail with and without a hammer' is not the same (Latour, 2005, p. 71). Things do not have to determine social issues to be important, but not taking them into consideration would not only 'miss half the story' as Andrew Barry notes (2001) but misrepresent the question in mind. 'Things' are not just interesting examples through which sociological concepts can be thought, or which interact with humans in the embodied being in the world (as Dant, 2005 perceives material objects). Rather, things participate in the processes of life by influencing the ways in which social actions are carried out.

The chapter introduces 'material governmentality' through two sections. Section 2.1 sets up the notion of governmentality through the work of Michel Foucault and researchers who have built on his observations. Section 2.2 introduces the second component of material governmentality, bringing material agency into the discussion while also elaborating on the political relations that matter is entangled in. This chapter thus builds a framework for the following chapter—Chapter 3—that elaborates on the concept of material governmentality by attending to urban materiality and its governing, introducing the particular urban problem of automobility: car parking.

2.1 'Governmentality'

While the basic principles can be traced back to Michel Foucault's (1926–1984) previous writings, governmentality is a theme that he developed in the lectures he gave in the last years of his life. In his first lectures on the topic, *Security, Territory, Population* in 1978, Foucault marks the shift from archaeologies of knowledge, which formed the theme of his earlier writings, to the genealogy of governmental technologies associated with the idea of governmentality (see Walters, 2012), and frames his thoughts away from representations to the ways of doing things as they take place and are 'embedded within programmes for the direction and reform of conduct' (Dean, 2010, p. 27). Although Foucault did not publish work directly on governmentality, his lectures have been an inspiration for many Anglo-American writers, including influential edited collections already more than a decade ago (Barry et al., 1996; Burchell et al., 1991) and a number of works inspired by governmentality: the topics covered include social technologies like insurance and measurement of risk (Castel, 1991; Defert, 1991; Ewald, 1991), statistics and other quantitative techniques (Hacking, 1991; Joyce, 2003, ch 1; Rose, 1991), regulations of car driver behaviour (Merriman, 2005; Packer, 2008; Seiler, 2008) and publications that critically assess connections and applicability of governmentality and other Foucault's work to geography (Crampton and Elden, 2007; see also Huxley, 2008). Through the project of governmentality, Foucault and researchers inspired by his work have re-thought basic concepts like freedom and (neo-)liberalism through notions of technologies, subjectification and normalisation, to which I will turn in the following section. Foucault's ideas have functioned as a starting point for many writers, from whom I mainly use the ideas of Nikolas Rose (Rose, 1999) on freedom and Mitchell Dean's (Dean, 2010) as well as William Walters' (Walters, 2012) elaboration on governmentality more generally.

The term governmentality can be defined in a wide or narrow sense (Dean, 2010; Walters, 2012). In a wider meaning it refers to the rationality and art (*tekhnē*) of government; that is, the comprehension of *how* to govern—shape, lead, guide, direct, manage—the conduct of human beings in their relations. Studies of government, hence, are moved away from the analysis of political ideologies. Government, that is 'conduct of conduct', concerns both government of others and government of the self taking place through the mediation of various authorities and agencies, and not just 'the state' (Lemke, 2000; see also Dean, 2010). There is a 'multiplicity' and 'immanence' of

government (Foucault, 2007). As Foucault elaborates, a variety of actors govern (for instance, the head of the family, or convent) not just 'the Prince' (or the head of a state) but these governments take place in the state and are connected through downward and upward continuities. Proper governance of the self is necessary for good governing of the household and the state (upward continuity), while if the state is governed appropriately, the family and the self can be expected to be governed properly as well (downward continuity). Governmentality in the wider sense consists of technologies of government that are formed in different historical periods and can coagulate into a general practice of carrying out government in a particular historical period and social context. Liberal governmentality—the governmentality in a narrower meaning—is one such specific historical and located form of governmentality.

In this restricted meaning, governmentality has been used to refer to the particular way of governing that describes modern liberal mode of governance, which has developed from the earlier liberalism to 'advanced' liberalism of the late 20th century (Rose, 1996). In his lectures, the emergence of the liberal mode of government was what Foucault was particularly concentrating on, tracing its appearance as a dominant mode back to the late 18th and early 19th century. Still, as the genealogical analysis of Foucault shows, most of its forms, techniques and rationalities, three of which are particularly important, have had much longer histories. First, the shepherd-flock relationship (in other words, pastoral governmental technology, which means acting on the will of subjects indirectly but by sharing responsibility for their development), has its roots in Christianity. Second, *Raison d'État*, the reason of the state, dates to the 16th century and shares ideas of the Science Revolution, by seeking to replace the reason of God with another naturalness—society. The third form of government—police (as taking care of the increase of the state's forces while keeping the good order)—has its intellectual and practical history in the 17th and 18th century Europe. Foucault (2007) shows how in late 18th and early 19th century European political thought and practice, these forms were framed and altered but also critiqued and rejected in relation to the concept of 'economy' as the logic of society, which needs not only to be respected but would lead to state failure when not taken into consideration. The emergence of governmentality is, hence, associated with the emerging ideas of political economy. This, then, is what Foucault means by government in a narrower sense: 'institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its

major form of knowledge, and apparatuses of security as its essential technical instrument' (Foucault, 2007, p. 108).

In the next section, I will deal with the liberal mode of governmentality (named 'liberal governmentality' by Walters, 2012), which, however, is not seen here as a fixed and clear-cut entity (and certainly not simply equated with neo-liberalism). By discussing the liberal governmentality I introduce the comprehension of society as a separate entity from the state as well as other conceptualisations such as governing through freedom, subjectification, normalisation and counter-conduct. After I have discussed liberal governmentality I move on to elaborate on the general insights that Foucauldian governmentality provides for the understanding of the 'state' that this thesis pursues.

2.1.1 Liberal governmentality

The fundamental point of liberal governmentality is the comprehension of society as having its own logic and ways of functioning. Society is characterised by certain regularities such as the number of births, deaths and accidents, which can be documented and analysed through techniques of statistics themselves dated to around the end of 16th and the beginning of the 17th century (Foucault, 2007, p. 104). There is henceforth a 'naturalness of society'—a civil society that is different from the state and more than just the sum of individuals, and whose well-being should be the concern of the state (see ibid., p. 349). A particular problem that emerges, then, is how to govern 'the society' while it has its own ways of behaviour and it is not possible to direct in the last instance its actions. The liberal governmentality answer to 'how to be governed, by whom, to what extent, to what ends, and by what methods' (Foucault, 2007, p. 89) is to 'act at a distance' in both a constitutional and spatial sense (Rose, 1999). The regulation of the population would thus be done through making subjects capable of acting on the self in order to sustain and improve their own life, which, then, would also achieve benefits for the society. Individuals appear as and are made to be quasi-professionals capable of choosing experts who could help them improve living: a psychologist, car mechanic or home designer (Rose, 1999). Therefore, government takes place through freedom, which is not just an ideology forming a cornerstone of liberalism, as it is often seen, but also a mode of governing that Joyce (2003) defined as an absence of restraint as a restraint—'the active and inventive deployment of freedom as a way of governing or ruling people' (p. 1).

Freedom has often been seen as something always present and natural but under threat by rules and regulations (Bauman, 1988). However following Foucault, freedom should rather be seen as a technology, as capabilities for practicing; '[t]o do things, one needs *resources*' (Bauman, 1988, p. 2). It is this latter meaning of freedom which informs understandings of liberal governmentality by Foucault and other writers, notably Nikolas Rose, whose Foucauldian elaboration on freedom in *Powers of Freedom* (Rose, 1999) is an important contribution for understanding the liberal concept of freedom. As the writers on governmentality argue, freedom is not an essential property of individuals, something that would appear if all the state activities were removed, as most liberals define freedom (Dumm, 1996), but it appears only through an active making (cf. Tally, 1999). To be free in a liberal mode of government means that one has tools, knowledge and an environment that allows one to be free. This view suggests that there is no 'freedom' in the abstract but that the situation that one calls 'free' is created through a myriad of actions. Freedom is enabled and constrained through a set of governmental technologies, it is an 'artefact of government' (Rose, 1999), it 'does not arise in the absence of power: it is a mobile historical possibility arising from the lines of force within which human being is assembled, and the relations into which humans are enfolded' (ibid., p. 96). In the words of Foucault (2008, p. 65), '[l]iberalism is not acceptance of freedom, it proposes to manufacture it constantly, to arouse it and produce it'. Life according to liberal governmentality, therefore, enfolds with the presence of constant governmental interference.

Moreover, considering regulations developed from the perspective of liberal governmentality, these would not so much be imposed on people but would be managing behaviour in a way that acknowledges the behaviour of individuals who have their aims, habits, and who can act differently from the desires of the state. The power of the state, therefore, instead of imposing its will or oppressing individuals' will and behaviour, rather is concerned with nurturing subjects who are self-responsible and capable of action on their own. Foucault's understanding is of a productive modern subjection rather than a repressive one (Seiler, 2008). The power that is involved in subject formation is a power that enhances the capabilities of individuals to practice freedom. This is characterised by the term 'subjectification'—meaning that the subject is an object of government but an object that should appear as capable of its own action to shape itself, being thus also a benefit for society. This concept of subjectivity challenges the liberal ideology which sees 'the individual' as 'produc[ing] themselves'

(Seiler, 2008). Rather, subjects according to liberal governmentality, 'are produced through discursive practice, and act within specific historical frames, which themselves undergo inevitable transformation' (ibid., p. 4).

In this line of thinking, freedom is not just produced through specific interventions or actions on the self, but it is also created through normalisation, that is 'creating or specifying a general norm in terms of which individual uniqueness can be recognized, characterized and then standardized' (O'Malley, 1996, p. 189). Normalisation is a process through which certain conducts appear as taken-for-granted ways of doing, leading to individuals and practices which follow the 'norm' being enabled, supported and even trained through education and policies, while deviations from the norm are subject to stricter governmental interventions through disciplinary technologies (Rose, 1999). Norms, as Dean elaborates, do not derive 'from a general view of the cosmos, of being or of human nature' but depend on the particular 'things, activities, facts or populations' to which they are applied (Dean, 2010, p. 142). These kinds of norms are not characterised as the will of anyone in particular or common interest but rather reflect 'a common standard' (e.g., Dean refers to traffic law as an example). These norms designate the space of typical conduct, which in liberal governmentality means that an individual is autonomous, self-responsible and striving for self-realisation (Rose, 1999). To be free in a modern liberal society, therefore, is to be a normal subject who is self-directed but capable of being tutored by 'the engineers of the human soul' according to the norm (or the 'standard' in other words) in order to be able to achieve the norm (ibid, p. 76).

The last point in the section I would like to consider is the openness of this understanding of conduct and the 'conduct of conduct'. Although Foucault's conceptualisation would seem to lead to an all-encompassing notion of power, where even freedom is part of governing, the theory is open to politics through revolts that seek to enact alternative ways of governing, which Foucault named counter-conducts. Counter-conduct is a rather unstudied topic—being picked up only by a few studies (in geography, e.g., Cadman, 2010; Holloway and Morris, 2012; see also Davidson, 2011; Dean, 2010)—even though Foucault devoted one lecture and the last part of the concluding lecture to the topic in the 1978 course *Security, Territory, Population* (Foucault, 2007, pp. 191 – 226, 355 – 357). Furthermore, the introduction preceding the lectures in the English edition by Arnold I. Davidson (2007) thoroughly considers the

theme. Counter-conduct is a concept that shows the political possibilities of Foucault's governmentality without going into narratives of public and visible resistance to (what might be called) Power with a capital P. In a nutshell, counter-conduct means striving to be governed differently: by different actors, towards different goals and by different technologies. In other words, conduct—as an activity of conducting but also the way one conducts oneself or lets oneself be conducted and behaves as a form of conduct—is desired to be altered. In liberal governmentality, counter-conduct can also mean changing practices of the self as a resistance to other forms of government; that is, altering the forms in which one conducts oneself.

Foucault elaborates counter-conduct through five domains developed in the Middle Ages that discredited pastoral power: asceticism, communities, mysticism, problematisation of Scripture, and eschatological beliefs. What is significant is that these practices are not 'absolutely external' but are 'border-elements' of pastoral power—'the art, project, and institutions for conducting men, and the counter-conducts that were opposed to this, developed in correlation with each other' (Foucault, 2007, p. 355). These five domains of counter-conducts are parts of Christianity or are different directions of and from it, countering pastoral power by, for instance, valuing athletic contests through exercises on the self or by privileging experience that by definition escapes pastoral power. Contemporary examples of soft counter-conducts would mean changing practices of the self by, for example, eating vegetarian food (Dean, 2010, p. 21), consuming fair trade products, or riding a bicycle instead of driving a private car. These are conducts that are not necessarily antagonistic to the whole of liberal governmentality—as they would mean, for instance, acting out in self-interest and in the general framework of circulation of goods and people—but suggest alterations in some instances of it—saving animals by not eating them, providing profit for producers who would not attain it in the business as usual, and keeping the atmosphere cleaner. All in all, counter-conduct can be summed up as follows. First, it is a 'struggle against a certain type of conduction and for another form of conduct' (Davidson, 2007, p. xxx) that is done by someone else, by other means or for other reasons. Second, counter-conduct exists in the current normalised conduct containing elements of it, however, not in its centre but on the margin. Finally, it is always present and can be developed by acting on the self, which depending on the circumstances can broaden to include more individuals practicing it or extend into the ways others are conducted. Therefore, counter-conduct offers a concept for analysing challenges that have been provided to

automobility, which, as the concept elaborates, are not necessarily big alternatives with explicit critique and programmes of alternative ways of living but are also practical means that can in fact alter dominant governmentalities.

To conclude, the liberal mode of government is characterised by the figuration of population beyond the state that is amenable to being governed through freedom, by means of subjectification and normalisation while being supplemented and opposed by counter-conduct. In this framework, the improvement of the shared pool of resources (e.g., public space, air quality) through change of behaviours would fit into the liberal mode of conduct as subjectivities are not altered: that is, freedom and individuality are still possessed by subjects, even if produced by governing actions. Liberal governmentality is not changed when the normalised conduct is challenged but individuals remain subjectified in the same way. Liberal governmentality with its understanding of the production of freedom that individuals are subjected to, appears as a dominant frame for how Foucault's writings are understood. Nevertheless, this is not the only way to conceptualise governmentality. In the following section I explore ways in which authors have thought about moving beyond liberal governmentality while still 'encountering governmentality' (Walters, 2012) by taking seriously some key concerns with the Foucauldian governmentality thinking.

2.1.2 Beyond liberal governmentality

Various authors have criticised the practice of implying too much coherence to the notion of governmentality (Collier, 2009; Valverde, 2006; Walters, 2012). Collier (2009, p. 98) points out that governmentality has been 'prone to reification, as though it were a coherent regime that dominated an epoch.' However the '"epochalist" misreading" of Foucault, as Valverde (2006) notes, is not entirely without foundation from his works even though Foucault has provided many warnings against such 'misreading'. Still, to define governmentality as merely the contemporary condition of neoliberalism is to 'commit the synechdocal error' of confusing parts such as techniques of governing with a neo-liberal whole (Collier, 2009, p. 98). Instead, as Collier (2009, p. 79) further notes, with the lectures in the late 1970s, Foucault shifted his analysis away from epochal thinking to '"topological" analysis of power that examines how existing techniques and technologies of power are re-deployed and recombined in diverse assemblies of biopolitical government.' Thus, using governmentality in this limited sense of a liberal governmentality that analysts can then recognise in various instances

might give the framework analytical precision but it is not what Foucault had in mind—as he used the term inconsistently (Collier, 2009; Walters, 2012), and it does not elucidate the capacity governmentality studies could really have. Here, I want to highlight three features from the analysis of governmentality, which can make the concept especially useful for the following analysis of governing cities elaborated through the 'agency of things' (next section) and through car parking regulations in the city of Tallinn (Chapters 6 to 8). These features reviewed below are: the attentiveness to details which makes various concerns (such as morality) beyond governing techniques pertinent to governmentalities, assuming society to have its own logic and dispersal of power into multiple elements.

First, governmentality approaches propose that studies of state practices should be attentive to details, contingent processes and genealogies of governmental techniques (Walters, 2012). Such analysis is first and foremost an open-ended investigation that through a detailed research avoids application of readymade concepts seeking, instead, to develop language through the study itself (Walters, 2012). One should thus move away from 'applicationism' and see governmentality as a toolbox for critically encountering various governmental practices (Walters, 2012). In that way, the analyst will confront all sorts of concerns. For instance, one such concern that has been raised by previous Foucauldian research is the role of morality and non-experts in the governmental processes. As Rose (1999, p. 103) elaborates:

> The economy was to be understood [in the first half of the nineteenth century] in terms of its own laws and causalities, and political interventions upon it were to be limited in the light of these. But the moral domain was construed as a proper territory for action by politicians, the churches, philanthropists and others – although exactly what was to be regulated, how and by whom was a matter of contestation.

Government is an 'intensely moral' activity, concerning questions such as how one governs one's own conduct and how to *properly* govern the conduct of others (Dean, 2010, p. 19). While 'the social' is divided into spheres—like the economy, legal system or public health—which are seen to have their internal way of functioning and specialists who can engineer their order, government can act on them through moral calculations (Rose, 1999). Valverde (1998), for instance, showed how alcohol, the spaces of its consumption and consumers, have been subjects to governmental technologies discussed and formed through moral considerations of what constitutes a

proper use of alcohol and its violation, who is normal and who is delinquent. In a similar vein Paterson (2007) notes the politics of subjectivity in how driving is defined as what normal people do while cycling is constructed as deviant, but the use of car itself involves a moral consideration of who can use it, what are proper ways of using it and what constitutes dangers, much as for alcohol (see Garvey, 2001 on the example of Norway). Morality, hence, is a field in governmentality that opens issues of making and remaking of proper conduct to non-specialists. That is, the study of governmentalities cannot only concern itself with the rationalities of governing but has to take into account all sorts of social concerns such as moralities of what could be governed, to what extent and by whom. Thus, this thesis elaborates on the moral concerns regarding whether it is a state duty to regulate car parking (such as the activities of parking businesses discussed in Chapter 7) or what precise technologies can be used for governing violators of parking rules (Chapter 6).

Second, the governmentality relies on an understanding that 'society' has its own logic of processes that state institutions must take into consideration in the practices of governing. In liberal governmentality, as was shown in the previous section, the concept of subjectification is a way to link the 'will to govern' and freedom of subjects. Governing—as self-governing—thus takes place beyond the state while directed by state institutions acting at a distance. However, there are two concerns with such a liberal governmentality perspective. First, it sees governing as an action for the benefit of the society while in practice there could be various groups of interests, corruption and prejudices against certain portions of society (Walters, 2012). Second, while in liberal governmentality governing appears to successfully nudge individuals into the process of 'governing through freedom', in practice governing often fails to achieve what it aims for. Government, according to Rose and Miller (1992, p. 190) 'is a congenitally failing operation' whereby '[t]hings, persons or events always appear to escape those bodies of knowledge that inform governmental programmes, refusing to respond according to the programmatic logic that seeks to govern them.' Rose and Miller (1992, p. 191) further point out that '[w]e do not live in a governed world so much as a world traversed by the "will to govern", fuelled by the constant registration of "failure", the discrepancy between ambition and outcome, and the constant injunction to do better next time.' In practice freedom can thus still appear for actors as freedom *from* the state which they seek to keep away from their lives by law or some other means. For the analysis of this paper, the internal logics of society at a distance from state apparatuses is considered as

a field of problematic and debate in its own right: which governmental techniques could work; how to govern so that the freedom of individuals and social groups is retained; which institutions are capable and responsible authorities to govern? The analysis of governmentalities cannot be concerned only with governing as a self-contained endeavour but must also take into account the complications emerging from the behaviour of societies: they are not always governable in the ways that regulators devise.

Third, the Foucauldian analysis of governmentality relies on the microphysics of power that is dispersed in multiple elements while the elements themselves retain their specific capacities (Murdoch, 2006). Murdoch (2006, p. 48) thus claims that 'Foucault sees power almost everywhere. And he sees power almost everywhere because he believes it comes from almost everywhere'. The king's head has been cut off in Foucault's analysis, to turn his own words on political science back to his work (Lemke, 2000). The power is seen to be pulverised into thousands of points and carried out by numerous actors in smaller and larger acts. 'Mechanisms of power are an intrinsic part of all these relations [e.g., sexual relationships] and, in a circular way, are both their effect and cause' as Foucault (2007, p. 2) emphasizes. Therefore power is not seen as one group dominating another, but rather a 'game of strategy' where some try to control the conduct of others who escape it or control yet others (Foucault, 2003 [1984]). Power for Foucault is a relational property: it is not internal to actors but emerges in the connections with various elements that include humans as well as non-humans (Murdoch, 2006; see also Deleuze, 2006 [1986]). Such observations do two things for analysis. First, those otherwise thought of as powerful actors are downgraded into a set of dispersed elements. In Foucault's analysis, different forms of power, whether disciplinary or sovereign power, are just different technologies of government (Lemke, 2000). The neo-liberal critique of the welfare state, for instance, can be seen not as an attack on certain government institutions but a problematisation of specific ideals of government (Dean, 2010, p. 43). In that way, Foucault's writings have diverged from more traditional Marxist left-wing writings as he does not delimitate classes nor seek any kind of radical change of the centre of power through, for example, revolution. Indeed, in his life-time, Foucault was involved in distancing himself from Marxism and associated his views more with a 'second left' that is more open to new questions concerning everyday life, gender issues, or self-management (Senellart, 2007). Second, the actors assumed otherwise to be weak appear as more important for the analysis.

These actors include human, institutional as well as various non-human actors in their multiple materialisations.

Foucault indeed considers a number of technologies (both social and material): flows in the city, schools, ships and prisons. Foucault (2007), for instance, was concerned with the problem of circulation in the city, that is the circulation of goods and people. Moreover, even though it can be argued that there is a lack of an explicit treatment of 'thingness' (Thrift, 2007), the theory itself is not hostile to material objects in their multiple relations. This line of research has been elaborated by, for instance, Barry (1996) using the case of telegraph cables, Osborne (1996) using the example of drainage system and Joyce (2003) using a number of different 19th century technologies including streets and street lighting.

Whereas things are part of governmentality networks and tasks are delegated to them, they are not just passive objects but form limits and possibilities of what can be done, which necessitates more attention to their functioning. The government is not only about human subjects but human subjects in their relations where these relations involve not just other humans but also nonhumans, as Foucault clearly asserts, using an example of governing a ship: the captain of a ship is not only concerned with orders to sailors but has to consider the vessel, goods on the vessel, sea, currents and winds (Foucault, 2007). In the next section I will draw attention to the agency of things in practices of governmentality by first considering Foucauldian understandings of the materiality of social life. The section ends by considering the 'agency of things' through the literature on actor-networks, particularly by Bruno Latour, and the literature around the 'politics of things'.

2.2 The agency of things

> In Foucault's account, government is inevitably a technical matter. Practices of government rely on an array of more or less formalised and more or less specialised technical devices from car seat-belts and driving codes to dietary regimes; and from economic instruments to psychotherapy. (Barry, 2001, p. 5)

Jim Gerrie (2003) carried Barry's suggestion further and proposed to see Foucault as a philosopher of technology, as his work on power shares many parallels with a 'philosophy of technology'. After all, since Foucault was talking about 'technologies of governance', this cannot be too radical a claim. Importantly, Foucault's understandings

of power are close to the positions of philosophers of technology, for example suggesting that (ibid., p. 14) 'technology is not simply an ethically neutral set of artifacts by which we exercise power over nature, but also always a set of structured forms of action by which we also inevitably exercise power over ourselves.' Foucault also made a 'prolific use' of technological metaphors, such as system, technique, procedure, and referred to 'complex technical arrangements' like prisons, schools, factories, and cities. For Foucault, power is 'something that is at work in every instance of our lives' being inscribed into specific practices and technical devices through 'rational formalisation of human behaviour' (ibid., p. 16). The 'truth' (whether it is an understanding of sexuality or the use of cars for urban transport) is constituted through wide-scale acceptance accompanied by actions: that is 'normalisation', 'the process by which such structured forms of thought and practice are widely adopted' (ibid., p. 20). Power, therefore, is not exercised by anyone in particular but is inscribed in activities, spaces and devices that are normalised and function in the flow of everyday life without individuals necessarily noting how the influence on conduct is actually happening.

However, although Foucault is interested in 'things' and can be called a philosopher or social theorist of technology, he explores this not by focusing particularly on devices and materialities in society, but by noting the role they might have in a theme he is more interested in: subject-thing(s) connections in the population, stressing primarily the 'subject'. Nevertheless, two books have more thoroughly looked at the governance of and through material objects. These are Patrick Joyce's (2003) Foucauldian analysis of liberalism of a city and Andrew Barry's (2001) study of the politics of technologies. I will now turn to these studies.

Joyce's *The Rule of Freedom* (2003) offers an account of how materiality is configured to 'perform agency in a particular way' (p. 120) by studying technologies of nineteenth century cities: pipes, sewers, lights and roads. Through material configurations, 19th century liberal governments could practice liberal governmentality; that is, government of citizens without physical embodied interference. The moral reform of the city was linked with sanitary reform—the shaping of citizens involved not just altering their conduct but altering their conduct through material environment. Sanitary and moral reform worked through the 'governance of space'—regulating houses and piped water—forming underground sanitary city and aboveground moral city. This is a liberal infrastructure, as argued by Joyce, as it was governing without a personal contact,

without an ‘undue interference’ (p. 70): the home and family were left to themselves, while the attainment of hygiene was made possible by the infrastructure. The ‘social’, which, as we saw in Section 2.1, is perceived to have its own logic since the 18th and the 19th century, was permitted ‘to operate freely, and according to its own equilibrium as a natural system’ by interventions in the material world (p. 70). The city was configured in a way that ‘people and things could circulate freely’ (p. 11), for instance, by creating wider and straighter streets and improved lighting, but also through rules that governed proper conduct on the streets (walking on one side of the pavement and prohibitions on obstructing free passage on the carriageway, for instance). However, the ‘forms of competency, and of agency were present in material things and processes, but not always present to the consciousness of contemporaries’ (p. 184) which the forms of sanitary system as well as ‘objective’ cartography showed most clearly. The ‘political’ effect of the taken-for-granted material environment results precisely from the fact that they are rendered ‘technical’ – that is outside of the political (p. 7). As a result, not only politicians and bureaucrats but also engineers are entangled in the politics of governing.

Barry’s *Political Machines* (2001) looks at contemporary developments in European societies, which he claims to be technological societies where (p. 2) ‘specific technologies dominate our sense of the kinds of problems that government and politics must address, and the solutions that we must adopt.’ Barry borrows the term from Deleuze and Guattari and describes these societies as ‘arrangements’ (*assemblages*) made up of multiple elements including technological components that are constantly manipulated and continually resist manipulation, rather than being merely passive elements. In this sense Barry accords more power to the material elements than Joyce did, seeing governing *through* artefacts as an often failing enterprise. In arrangements any attempt to challenge the existing social order involves an ‘effort to contest the development and deployment of technology as well’ (p. 9). For instance, referring to the European Union, the integration of this economic and political entity also involved technological configuration through standardisation (‘harmonisation’), which, however, has been and is a complex and ongoing process. For instance, the measuring of the quality of swimming water—which might seem a rather straightforward matter—in the way it would be comparable among different EU countries, turned out to be a complex issue largely due to the different laboratory practices in various countries, but also due to difficulties with negotiations in reaching a consensus. Even twenty years after the

start of harmonisation of beach water quality measurements (in 1975), an agreement had not been reached (p. 77).

Moreover, apparently technical matters can become political issues on the national scale when they transfer the interests of one party (a nation-state, for example) to the concerns of another: 'normal' chocolate, a 'safe' abattoir, or 'good quality' air would not be defined the same way in every place. Using an example of Southwark in the South London, Barry showed how measuring air quality to identify polluting vehicles and govern drivers to be environmentally responsible, turned out to be a complex problem, shaped by measuring techniques, vehicle technologies, public perception, topologies of urban space, international scientific relations, and rationales of local government politicians. '"Air quality" has multiple realities', notes Barry (p. 171–2), its existence 'depends on whether a series of connections can be maintained between air and the institutions which measure it and finance this measurement.' The chemistry of air is therefore political (p. 155), it is 'an element in a transnational political project' (p. 209). What gives Barry's argument its strength and causes it to diverge from the understandings of Joyce is his view of materiality as (re-)directing political action in itself. The intention by governments, thus, fails due to particular material arrangements or, alternatively, a wide set of political processes are set in motion by material entanglements. This is also captured by Barry's later work where he discusses the notion of 'material politics' (Barry, 2010, 2013).

To conclude from these two influential books on governing materiality (Barry, 2001; Joyce, 2003), matter both performs and is made to perform which means that every governmental activity necessarily involves material configuring and re-configuring. However, the way in which matter acts, that is, the ways in which it changes the social action that is involved in its making and performing—so that social science cannot be done without taking material objects seriously—is still somewhat unclear. I will elaborate below on the key issues that are important for developing a concept of material governmentality. First, there is the question as to how power is dispersed resulting in the mediation of governance, which therefore, as it is described by Peter Miller and Nikolas Rose (e.g., Miller and Rose, 1990), is taking place 'at a distance' (individuals, indeed, are governed through a number of 'things'). The question of how precisely this affects what the governance of the social entails is a core concern of the empirical chapters of this thesis. Second, there is the question of the politics of

materiality: how technologies become ‘matters of concern’ (Latour, 2005) and contested; in other words, how matter becomes ‘political’.

2.2.1 The dispersal of power and the effects of materialities

The ‘indirect’ nature of government is a common everyday experience of modern Western society: while we know that we are citizens, pay taxes and have ideas about what will happen if we do not behave according to the law, life seems to be unfolding without direct influence of state institutions. The influence of the state, and more broadly of government, happens through a wide array of objects, documents, projects and processes. Government, therefore, takes place ‘at a distance’ (Miller and Rose, 1990), where it acknowledges that society has its own behaviour which could be shaped by adjusting the materiality of the social life and making use of different regulatory technologies (Joyce, 2003). The term governing ‘at a distance’ is adapted from actor-network theory and from its two key figures, Bruno Latour and Michel Callon (see Callon, 1986; Latour, 1987, pp. 217–257), by Peter Miller and Nikolas Rose who describe it as ‘indirect mechanisms by which rule is brought about’ including a diverse set of different techniques—such as computation, calculation, building designs and standards—entangled into complex mechanisms, ‘through which it becomes possible to link calculations at one place with action at another’ (Miller and Rose, 1990, p. 9). Thus, while the general thrust of ANT expands from Foucaldian understandings of the dispersal of power into networks (Murdoch, 2006), the notion ‘acting at a distance’ is openly drawn from ANT (Rose, 1999). This notion suggests the involvement of many nonhumans—legal documents, communication technologies, infrastructures—in relation to the practices of governing.

Acting/governing ‘at a distance’ also implies a very dispersed view of the state. Valverde (2009, note 1, p. 179), thus, claims that ‘“[t]he state” does not do anything’, ‘specific legal mechanisms do, however.’ For example, the parliament—while being an institution with the highest political authority in democratic societies—can act only through making and voting for legal measurements; or the police are one of very few state agents having the right to physically touch the body of a citizen, and are governed by a myriad of rules prescribing what they can or cannot do. In thinking about ‘the state’ acting, we have to think carefully about the mechanisms—apparatuses, to use the Foucauldian term or assemblages, to use the Deleuzian one (they both work in that context)—through which actions in one place are translated into actions in another.

Especially, we should not assume a smooth connection between governing practice and governmental outcomes: the mediating nonhumans do affect the outcome of whatever intention is input to them.

These nonhumans, therefore, are not straightforward outcomes of human or government intent but respond to actions in many ways, often in a way that is unintended. The active role of non-humans in social life is a point that the literature of actor-network theory puts forward strongly. It seeks to lift non-humans out from being a mere background or tool for humans' actions and thought, and to approach 'things' in such a way that they are seen as central elements in society—not constituting social relations in the last instance but important enough to be configured into a social analysis. Things are, therefore, *actants*—that is any type of entities, from material objects to ideas, that *do* things (Latour, 2005, p. 55). The action of nonhumans becomes visible by a small exercise that Latour (1992, p. 229) suggests: 'every time you want to know what a nonhuman does, simply imagine what other human or other nonhumans would have to do were this character not present.' However the important concern to discuss further is in what way(s) materiality matters for understanding concerns otherwise thought of as social (governing procedures, for instance)?

Throughout his writings, Latour does not want to ascribe agency to clear-cut humans, organisms or objects but prefers notions like quasi-objects, hybrids, cyborgs, and actants. Any pure form—human or nonhuman, Nature or Culture but also global and local—is not possible because everything is 'delegated, mediated and translated' by a diverse set of intermediary entities (Latour, 1993 [1991]). No technological project (a new transport system, whether Personal Rapid Transit as in Latour's example (Latour, 1996 [1993]) or a bicycle city) is born as viable (profitable and effective). The project is made viable by interested humans and interested nonhumans, some of which might work and fit to the system easily while others might need to be 'tamed' (Latour, 1996 [1993]). The technological—what is often seen as merely technical—has its own demands (for instance, other devices, careful use, or huge sums of money) without which it would not be born or will go on 'strike' (Latour, 1996 [1993]; see also Latour, 1992). The technology is not a purely human nor wholly inhuman thing, it is a translation between 'what humans inscribe in it and what it prescribes to humans' (Latour, 1996 [1993], p. 213). For example, costs might be minimised by using a cheaper piece of equipment in the technological system but this might have

unanticipated effects, such as the system breaks down more often, it is heavier, or less easy to maintain. Tasks can be carried out by different entities (Latour, 1992): in some cases, an entity can be human or a collective of humans, or the task can be *delegated* to nonhumans.

There are different ways to solve the same problem. For instance, in an example that Latour gives (1992), the task of getting the door of *La Halle aux Cuirs* in Paris closed in an orderly fashion every time one goes through could be achieved through *disciplining* humans, disciplining one human (the porter) or by delegating the task of opening and closing the door to a nonhuman. The paradigmatic relations amongst different entities form a space of options where choices might become available (the electronic door-opener has not existed forever), normal (for example, a porter might be 'rational' in the case of an expensive hotel, but not for a university) or unusable at some moment (the malfunction of the door-closer in Latour's example necessitated disciplining people who pass through the door). Nonhumans are, then, acting and acting in order to carry out tasks delegated to them, but while doing whatever they do, they influence the course of action. In other words, they mediate instead of being only intermediary (Latour, 2005).

In similar vein to Latour, Jane Bennett (2010) argues for 'material vitality' and 'vital matter' that make things happen. However, Bennett builds more explicitly on Deleuze's and Guattari's notion of 'assemblage'. Her aim, thus, is not so much to argue for the direct causality of matter—not making it immediately agentic, which might be rebutted on the grounds of humanism, vitalism or social scientific practices—but to grasp how humans and nonhumans 'conjoin', to act through certain 'freedom of choice' while being influenced and influencing others. Nonhumans, in her account, are 'inextricably enmeshed' into assemblages through heterogeneous connections that affect other nonhuman or human actants to be agentic. '[N]onhuman agency', therefore, appears as 'the condition of possibility of human agency' (p. 98).

In summary, authors working on actor-network theory or assemblage theory provide an understanding of society as inclusive not only of human connections but of a wide selection of nonhumans, who affect humans (and other nonhumans) while having vitality that is not reducible to any superior or underlining agency. Being attentive to the materialities of nonhumans is not just important to understanding what they are, but it is

also necessary in order to understand human agency. Rather than concerning ourselves with whether purposive human agents or material artefacts have priority (e.g., Tonkiss, 2011), we should be focusing on 'the agentic power of human-nonhuman assemblages' (Bennett, 2005, p. 455). The car—whether parked or a mobile one—is thus a participant in an assemblage of automobility where not only the materiality of the car is important but also various other entities such as driving licences, parking spaces and parking meters, and other less obviously material entities including constitutions, private companies and associations. Such socio-materialities allow the automobility system to exist; some of those socio-materialities are investigated in the empirical part of the thesis in Chapters 6 to 8.

2.2.2 The politics of materiality

The second concern with the agency of things relates to the political properties of technological arrangements: in what ways do things perform (which they can do in socially unjust ways and in which they might be open to discussion and contestation)? I will look at this question through three interrelated smaller concerns. Firstly, the problem might be framed in terms of the capacity of the technological system: whether politics is inherent to the technological devices and systems, or the politics is in the particular arrangement of the social and cultural environment around the technology (Winner, 1986). Secondly, the politics of materiality also raises questions concerning how normal ways of doing things are materialised, considering that things can be made otherwise (Bijker, 1995). Thirdly, the politics of materiality concerns connections between material objects and their physical properties on the one side and institutional processes in various levels of governmental practice on the other side. Such interlinkages between the material and institutional are described as 'material politics' by Andrew Barry (2010, 2013). These three takes on the politics of things are associated with three researchers and their work. In relation to the first concern, Winner shows the embeddedness of politics in artefacts. In relation to the second concern, Bijker draws in the user groups and various technological frames to understand the emergence of technological power. And concerning the third, Barry opens up the question of the politics of things by proposing a 'material politics' that links physical reality with political deliberations in various levels of institutional power.

First, technology matters for politics due to the political influence it embeds. In a book entitled *The Whale and the Reactor* political scientist Langdon Winner (1986)

differentiates analyses of the politics of technology into two claims: softer and stronger. The softer claim suggests that the politics of artefacts results from the setting which can be rearranged, while the stronger claim notes the power of technology itself, so that the technology can exist only in particular political contexts—the technology thus determines the social context. He uses the example of nuclear energy for the latter, as it requires a 'benign priesthood of scientists' (p. 52), while for the former he refers to the example of the socially unjust construction of bridges by Robert Moses in New York that were too low for buses carrying poorer and black people, limiting their access to parks and beaches thus by implication meant for white middle-class car owners. The power was embedded into the materiality of bridges, but, as it is important to this discussion, it could have been planned otherwise, while the nuclear power could not exist in any other way. Still, as Winner (1986, pp. 8–9) makes clear, automobiles in their material form pose limits (in addition to all sorts of capabilities that they make possible), for instance, in terms of conversation with an acquaintance on the street: 'The attempt to extend a greeting and invitation, ordinarily a simple gesture, is complicated by the presence of a technological device [the car one drives] and its standard operating condition.'

It is difficult to delimit issues as neatly matters of a technical device or the social arrangement, but the form of technology might through its make-up be more compatible with one type of society than with another. The system of automobility is difficult to combine with eco-friendly and small lively neighbourhoods *à la* Jane Jacobs (though, note some examples, particularly Mitchell et al., 2010; but also Dennis and Urry, 2009 to remake, or 'reinvent' the automobile system), while a bicycle would fit there. The 'softer' and 'stronger' claims of technology could be seen as a difference between who are the engineers of those technological systems. While with the stronger claim (i.e., the technological dominance) the experts are the leading engineers, with the softer claim (i.e., social dominance), moral, legal or administrative 'engineers' receive a more prominent role. Although in discussions of highways systems, highway engineers have an important position regarding the technical details of road design, in urban questions such as parking regulations, a wide range of 'social' and 'moral' concerns and actors find their way to the stage of deliberation. In Chapter 6 we will thus encounter the parliament and other judicial institutions in deliberating parking matters in the city of Tallinn.

Second, the politics of artefacts emerges in the arrangements whereby certain practices have achieved a taken-for-granted character. Closure and stabilisation in meaning and practices form what Bijker (1995, p. 264) defines as 'technological frame' that is 'at the same time constituted by interactions of members of the relevant social group, and result in "disciplining" the members of that relevant social group.' Technologies are characterised by interpretive flexibility that is the condition for politics ('things can be otherwise') but at the same time they can become fixed and obdurate. Having achieved obduracy—the technological lock-in where other ways of doing things are weakened if not unimaginable—the technology can be seen as having achieved major force, almost a technological determinism (Bijker, 2001). The other ways of doing things are invisible. In terms of cars, for instance, a certain common sense has been formed which considers the driver as the agent of automobility, who might be negligent or malicious while cars themselves—even though the 'danger [is] written all over them' in terms of their mass, speed and design—have been defined as ordinary objects unlike guns or steamboats (Jain, 2004, p. 84). In parallel to technological change, moreover, different social changes also occur. In Bijker's (1995) elaboration of the development of the bicycle in the nineteenth century, for example, the concerns of women cyclists, safety and clothing as well as the design of the vehicle were linked together. The shifting of design away from large wheel 'ordinary' to the modern safety bicycle was enmeshed with the concern of female cyclists whose right to mobility was one of the forces behind shaping design but was itself also supported by the more contemporary design features. The technological and social are thus linked together as normalised ways of doing things in relation to the particular material arrangements.

Third, materiality itself could be seen as a political actor in the assemblages they are entangled in (Barry, 2013; Mitchell, 2002). Materials, such as metals, cannot be 'explained away as an expression of political ideology or economic interest' (Barry, 2010, p. 90) but form themselves fields of concerns. In Barry's (2010, 2013) discussion, for instance, the failure of the Baku-Tbilisi-Ceyhan oil pipe's coating material was related to failures of political arrangements. However, not just seeing the material failure as an index of institutional failure as some actors in the pipeline politics did, Barry (2013, p. 153) saw material elements as particles of 'lively and dynamic assemblages that may act in unanticipated ways, serving as the catalyst for controversies and thereby contributing to the transformation of political situations.' The failures of the paint used for the pipeline to withhold corrosion was thus not just a reflection of

institutional and Political (with big P) processes but was entangled into political debates by, for instance, emerging as a central point for discussions in the British parliament. The tiniest of aspects, thus, can be related to 'big' political processes and not in a way that the latter determines the former.

In material politics, materiality both constrains and enables actions. On the one hand, then, the political ideology or economic relations are not capable of determining (or circumscribing) the causality of all the material processes. Thus, for instance, the physical properties of oil pipes caused delays in international projects (Barry, 2010), electrical network's failing led to disruptions of economic activities and showed the limits of neoliberal politics (Bennett, 2005), and the materiality of heating systems curtailed market-oriented political imaginations (Collier, 2011). Materiality exceeds thoughts, imaginations and projects as it is often 'uncooperative' with the governing projects (Bakker, 2003, see especially pp. 31–33). However, on the other hand materiality could also be manipulated by actors with the intention of revising and influencing power structures. Barry (2013), for instance, shows how land-owners manipulated material entities such as trees and beehives in order to be designated as 'affected' by the international pipeline construction and claim compensation. Similarly, in Chapter 7, private parking businesses have achieved being defined as 'legal void' precisely due to the way they have positioned materiality: the unpaved surface keeps them outside of the local government's urban planning techniques. As it both constrains and enables, materiality is not so much agentic in itself but matters in various ways in the assemblages it is positioned into (cf. Barry, 2013; Bennett, 2010; Mitchell, 2002).

To conclude, these three takes on the politics of materiality exhibited by the work of Winner, Bijker and Barry highlight how materiality comes to possess political effects and rationales, is subject to re-making and obduracy but also curtails and conditions the activities of institutions.

2.3 Chapter conclusion: 'material governmentality'

This chapter discussed the term material governmentality that is introduced and advanced in this thesis. The chapter thus, firstly, opened up this framework by introducing literature on governmentality especially by looking at the ways to move away from the widespread but narrow conceptualisations of this Foucauldian term. Secondly, the chapter discussed the agency of things showing how materiality can be

'uncooperative' and affect the courses of action through complex assemblage relations. Material governmentality is made of two components: on the one hand, the constant but often failing governmental intervention framed in relation to freedom and liberty, and on the other hand, the agency of things that manifests how materiality often exceeds intentions directed to them. Material governmentality draws attention to the ways in which social life is governed through a variety of largely micro-political regulations involving material elements as targets and tools of governing which, thus, direct and limit the course of governing activities. Furthermore, governing is entangled in the politics of who, in what ways and how much can govern, which are all questions closely related to particular historical and regional politics (hence the discussion of post-socialist cities in Chapter 4). Material governmentality provides a framework for thinking about governing of urban automobility systems and car parking, explored in this research. There are three core elements of this framework that will shape the discussion in the following chapters.

First, governmentality literature provides material governmentality with an understanding that power is dispersed and entangled in multiple relations. In terms of automobility, for instance, whereas it seems reasonable to suggest that in many instances there are powerful figures behind constructing the car-using urban lifestyle (multinational companies, for instance), there is no vicious force that wants to kill people in car crashes, destroy natural resources and poison people with exhausts in the cities. The micropolitics of power also draws attention to the myriad governmental regulations that, while they might appear to be irrelevant for an analyst interested in Politics (with big P), are active participants in shaping the ways things are organised and ordered in the society. Hence, in the following chapter and in the empirical chapters (Chapters 6 to 8), I will provide an analysis of how urban by-laws and governing actions are central to the politics of automobility in post-socialist Tallinn.

Second, governmentality is not merely about the aims of governing or the success of governmental tools but draws attention to counter-currents and failures. On the one hand, governing procedures might be resisted on the grounds of freedom. Governing might be carried out by unaccepted authorities or via measures that are perceived to be restrictive rather than productive of freedom. On the other hand, there is much in urban life that cannot be properly brought under governmental control. The phenomenon—a particular material entity, for instance—might be difficult to represent in regulatory

documents, or the way it is thought to be regulated in the documents cannot be translated into actual practice due to the character of that phenomenon. The next aspect of material governmentality elucidates the latter point.

Third, power relations are mediated by myriad material elements which should not be seen as agentic necessarily 'in their own right' but rather through the assemblage relations they are entangled in (cf. Barry, 2013; Bennett, 2010; Mitchell, 2002). Henceforth, automobiles themselves and the assemblages that are formed around them are among other entities regulated by material objects (e.g., wheel clamps, speed bumps, parking lots) and even while apparently acting at the behaviours of the individuals involved in automobility (most particularly the driver) the action is directed through manifold objects (including legal documents and technical devices of the car) which affect the way in which governmental rationales work. Often, the intentions of human actors fail to succeed due to those materialities: for instance, the intention to enforce paid parking in accordance with existing legal principles was impossible in Estonia due to the material relations of parked cars (Chapter 6). Things are not intentional creatures directing humans, but they still influence the course of action.

The next chapter takes the discussion on material governmentality forward in relation to the specific problematic of the urban and introduces the question of car parking through existing academic and professional literature to build a background for forthcoming empirical analysis about car parking in Tallinn.

3 The material governmentality of cities and cars

In this chapter, I move closer to the case of this thesis by bringing material governmentality into contact with the urban, and the problematic of car (im)mobility. While urban government and governance has been largely approached from the position of policy research (Cochrane, 2007; McCann and Ward, 2011) as well as politics (Pierre, 2011), this thesis tries to capture the contribution of urban phenomena to governing by approaching the urban as a particular type of socio-material problematic. An urban environment evokes questions such as the circulation of people, goods, fluids, electricity and information whereby the density of the urban character gives the questions their specificity. City regulations are thus often focused on details and are directive, rather than liberal, in their nature. Nevertheless, despite mundane and unspectacular character of regulations—such as water provision, road maintenance, building codes, parking regulations—they still may be subject to critical scrutiny and generate friction among a number of citizens as they might come into conflict with freedom. Regulations are not merely technical but a political—even if at first sight micro-political—matter. This is what the thesis reflects upon through the case of car parking in Tallinn, for which this chapter provides an introduction by bringing together topics of urban condition, governmentality and auto-(im)-mobility.

These topics are investigated through three sections followed by a conclusion. In Section 3.1, I analyse the socio-materiality of cities drawing out how the materiality of the city has been previously analysed. This is then followed in Section 3.2 by a discussion of urban regulations with the approaches advanced by Mariana Valverde and other socio-legal scholars who have looked into the mundane regulations of various urban questions. This discussion forms a starting point for the treatise of automobility which is discussed in Section 3.3 and for the treatise of car parking elaborated in Section 3.4.

3.1 Urban studies and materiality

The city is commonly characterised by its complexity. The complexity, furthermore, is embroiled in the question of what constitutes ‘the urban’ and what the analyst should be looking at. A large set of urban geography and urban studies writings have seen cities as socio-material or socio-technical entities that are not created by humans alone (see Amin and Thrift, 2002; Gandy, 2002; Graham and Marvin, 2001; Hommels, 2005). To

capture the non-human and material character of cities, various approaches have been utilised. Here I will visit two of those: the approach drawing on science, technology and society studies, and the investigation inspired by ANT and assemblage thinking[4].

The city as a socio-technological ensemble (STS and the city). One of the proponents of the STS approach, Hommels (2005), argues that the city can be analysed using the same conceptual understandings as utilised for other technological systems. She thus explores the 'co-evolution' of the technological and the social in the city as a 'seamless web' of various material and social elements through concepts borrowed from science, technology and society studies (ibid.). Similarly, Aibar and Bijker (1997) approach the city as a kind of artefact and town planning as a form of technology. Thus, they are able to delineate technological frames of different groups, noting that the contemporary city contains elements of different frames (see Section 2.2.2). Both Hommels' and Aibar's and Bijker's work (see also Graham and Marvin, 2001) show how the city is made of artefacts with obduracy resulting from the embeddedness and domination of certain technological frames, rather than the mere physical existence of materiality. Even though physical elements such as highways or modernist housing developments are central in their analyses, the aim is not to make them *agentic* but to see them as socio-technologies. The main target of STS research has been the understanding of science and technology as enclosed fields of knowledge and development which the STS research then tries to deconstruct by showing the multiple social processes at work. The conceptual contribution that the STS framework (alongside other similar approaches such as ANT) has added to urban research is the attention given to the active role of material artefacts in the socio-technical ensemble of the city. The ANT and assemblage thinking I elaborate on next, nevertheless, have been even more attuned to the question of material agency.

Assembled urbanism (ANT/assemblage and the city). There are many antecedents to ANT/assemblage in urban studies (in particular Amin and Thrift, 2002; Graham and Marvin, 2001; Latham, 2002, 2003; but also Jacobs, 2006; Massey, 2005) but it has

[4] An additional approach would be political ecology that highlights the nature in 'cyborg urbanisation'(Gandy, 2005), but this is not investigated here more thoroughly as the question of nature does not manifest an important analytical concern in this thesis. Also more Marxist takes on urban materialities can be noted (e.g., Kaika and Swyngedouw, 2000) but similarly to Marxist analysis in general, such analyses do not so much focus on the agency of things being more interested in relations of commodification and production.

emerged forcefully in recent years with the edited collection by Farías and Bender (2010) and the debate in the *City* journal in 2011 by assemblage proponents such as McFarlane (2011a, d) and Farías (2011), sceptics (Brenner et al., 2011; Tonkiss, 2011; Wachsmuth et al., 2011) and those whose work tends to align with assemblage (in particular Simone, 2011). With critiques targeted mainly towards political economy as the dominant way to understand cities, assemblage/ANT research has worked intensively to bring the forgotten forces of a multiplicity of minor artefacts to the fore in conceptualising cities. McFarlane (2011b), thus, has shown the role of various minuscule tools such as used train tickets or stones in the hands of slum-dwellers as political weapons; Ureta (2014) discussed urban politics through debates of location and the physical parameters of a bus stop, and the edited collection by Farías and Bender (2010) offer multiple case studies such as an obdurate highway (Hommels, 2010), buildings (Guggenheim, 2010) and Bus Rapid Transit system (Pineda, 2010). Even though such a wide array of case studies of particular projects might raise concerns about lacking attention to the 'bigger picture' or not providing an overriding theory, Walter's (2012, p. 123) response in terms of Foucauldian genealogical research is relevant here: 'the genealogical enterprise should not be judged on the basis of one or two articles alone but in terms of a collective undertaking in which a bigger picture is built up, study by study.' This thesis offers one such critical encounter with urban materialities acting in the governing processes of cars and car parking.

The urban environment with its concentration of human and nonhuman bodies, objects and various flows encourages and even requires authorities to intervene. The following section shows two governmental frameworks that have emerged in previous urban research and deal with ways in which materialities are related to urban governing. These are liberal diagram and directive diagram for city governing.

3.2 Governing the urban materiality

Seeing the activity of government as first and foremost regulating rather than policy-making draws attention to the mundane nature of government: many of the activities remain not explicitly reflected upon, they are done because they *seem to be necessary* or simply because that is the way things have always been done. Rather than having a master-vision (Scott, 1998), there is much that is 'unsystematic', 'indeterminate', and 'unintended' in the governing practices of the state as Painter (2006, p. 763) characterises the 'prosaic geographies of stateness'. The state is not a unitary actor as it

is made of different authorities on a different scale of governing, while these actors are also drawing from different logics such as legal and administrative ones. Nevertheless, at least in modern bureaucratic states, it is possible to identify the 'will to govern' (Miller and Rose, 1990; Rose, 1999) that functions in between the divergent rationales. The 'will to govern' aims to regulate, but it has to take into account freedoms of different actors that are often also curtailing it.

I would divide city governing and its relation to urban materiality here into two broad sets or ideologies of regulations (that can be called 'diagrams'): the 'liberal diagram' (Osborne and Rose, 1999) and the directive diagram (what Valverde, 2012 sees as illiberal and patriarchal governing, but in my view these words are too strong to capture the essence of this diagram). The former is a governmental rationale that seeks to govern through freedom of subjects; the latter, by contrast, aims to order matters in the city down to the details. While the former prefers to leave decision-making to the individual actors, the latter aims to govern following moral principles or prescriptions of various specialist fields of knowledge and governing. They are almost diametrically opposite but are co-present even though not always in the same instances of governing. Furthermore, both presume the necessity to regulate but approach the objective from diverging angles.

The liberal diagram for city governing. The liberal diagram is associated with ideas of neo-liberalism and advanced liberalism (Rose, 1996) and seeks to govern through freedom. Osborne and Rose (1999, p. 758) argue that the liberal diagram, instead of trying to fix the ungovernable character of the city, has sought to 'harness' its multiple energies 'in the interest of each and of all.' The governing is done not only by the 'state' but by multiple authorities and by subjects themselves, through what is described as a governing of the self. In a recent paper, Lanz (2013) shows how citizens in disadvantaged neighbourhoods of Berlin are made responsible and capable actors for their own development. Similarly, Raco and Imrie (2000) note the 'government through community' in the case study of the Single Regeneration Budget that stresses the empowerment of citizens who as 'active citizens' should be capable of autonomy and self-determinism to govern themselves and their community. However, in addition to the subjectification of citizens by indirect governmental means, studies have noted techniques of governing *through* the physical environment. Jones et al (2010), thus, critically analyse street design as a way to shape the environment of decision-making;

that is, to 'nudge' citizen behaviour via material space under the mode of government called 'libertarian paternalism'[5]. Allen (2006) elaborates on the physical features of public space that seduce users through ambient power. The liberal diagram of governing aligns itself with notions of freedom and liberalism by sustaining a vision of the self-responsible individual, but as a form of regulation it still preserves the vision of the aims of regulation. The liberal diagram of city governing, to summarise, is about generating conditions and providing support for subjects' to govern themselves in a 'right way', which, hence, would support the development of the collective more generally.

The directive diagram. In opposition to the liberal diagram, the directive diagram is about the multiplicity of measures to direct subjects by saying more precisely what they must do or what they must not do. Rather than giving freedom for actors to decide their actions, the directive diagram is detailed and precise, accompanied by a flexible and specific application. The directive diagram is not about providing freedom but saying how things have to be. One of the most extensive discussions on these questions of city governing is provided by a legal scholar Mariana Valverde (2009, 2011, 2012). Her work studies not the ideas but the 'actual operation of government' (Dubber and Valverde, 2008, p. 5) focusing especially on the pragmatic reasoning and practices of local municipal regulations, drawing inspiration from sources such as Foucault's notion of governmentality (Valverde, 2006; Rose et al., 2006). However, Valverde argues that the contemporary urban governing is neither liberal nor neoliberal, but characterised by 'a pre-liberal, premodern logic of governance that is more reminiscent of absolute monarchies than of modern democracy' (Valverde, 2012, p. 164). The municipality follows the nuisance principle and is inclined to regulate what needs to be done—Valverde uses the example of the height of grass in front-lawns—whereas the country-level laws are more liberal by following the harm principle characterised by limits of actions to otherwise free individuals. This is what leads her to claim that the municipality is a paternal governing authority (Valverde, 2012). Furthermore, urban governing is characterised by cutting-through legal complexity to make certain things happen. As Valverde argues, urban governing is not often about the precise words of the

[5] Even though one might want to see their discussion as an example of 'material governmentality', it cannot be called like that as they do not pay attention to a key component of the concept: the agency of things.

rules—which in the examples she uses have become so complex that they are unknowable—but is more concerned with what is actually done.

Valverde somewhat over-stresses the freedom of bureaucrats and lower level governors as they are in many ways curtailed by other sources of power. For instance, local governments still confront the power that emanates from the legal field and draws its force from private property (see Chapter 6 below). Nevertheless, Valverde's elaboration of urban governing brings it closer to the administrative logic than to the legal one. The open-ended, heterogeneous and flexible power that particularly characterises urban governing is often reflected in the literature through the term 'police power' which in the US constitutional law has also gone through debates on the limits of state intervention in the private sphere (Revell, 1999).

Police power is described by Dubber (2004, p. 101) as 'the most expansive, least definite, and yet least scrutinized, of governmental powers' which, as Dubber and Valverde (2008, p. 3) further argue, 'is essentially boundless' and indefinable. According to Blomley (2011, p. 6), '[p]olice powers are remarkably promiscuous, open-textured, flexible and far-reaching.' Police power includes the police institution that we mainly associate with the word today, but also a wide selection of other governing activities that follow morality and/or seek to limit nuisance or obstruction. Police power is a concept of the US constitutional law capturing the permissible scope of federal or local level governing procedures in relation to the Constitution and rights of property as long as they relate to health, safety, morals, and general welfare of the public (Encyclopædia Britannica Online, 2014 'police power').

As various authors have noted (Blomley, 2011; Foucault, 2007; Levi, 2008; Novak, 1996; Valverde, 2006), police powers are particularly active at the local level—in towns and cities. Although Foucault saw police power more as a relic of the past overshadowed by liberal modes of governing in contemporary times, in Valverde's as well as Blomley's discussions it is still a major governing tool in present-day urban environments. According to Valverde (2011, p. 280), for instance, the presence of 'embodied, experiential, and relational categories' such as nuisance and other guides for police power, are not a resistance or a survival of old ways of doing but rather '*necessary* component[s] of contemporary urban governance.' Police and urbanisation are linked, or for Foucault even the same thing (2007, p. 337). The city with its density,

diversity and need for circulation invites regulations that not only let individuals act freely but says exactly what is or is not to be done. The examples of concerns inviting police power are extensive. One of the important concerns with effects on private property is that of fire safety, which rationalises certain building designs and locations of building in relation to each other. Similarly, urban problems necessitating the directive diagram are that of access to drinking water, reduction of pollution, collection of waste and management of traffic that in some parts of cities can get congested. The latter—via term 'circulation'—has been singled out as particularly a concern for police power (Foucault, 2007; Levi, 2008).

The history of police power in city management goes back centuries. Novak (1996), thus, shows the extent of police power in the 19th century America where it was used to govern marketplaces, bars and public roads and waterways. The police power developed further in the early 20th century with the increase of bureaucratic administrative state (Novak, 2008) and extended into new urban governing techniques such as zoning. Zoning has been the principal police power that after significant legal debates from 1910s to 1920s in United State became an urban planning tool to govern a number of urban ills at the expense of private property rights of individual land owners (Revell, 1999). According to Revell (1999), the police power of zoning extended from rather limited concerns of regulation in terms of health and safety to more extensive aims of public welfare taking into account public interests vis-à-vis private property rights during the first quarter of twentieth century. Zoning has eventually developed into an urban planning tool that is taken for granted in USA and all over the world.

The discussion on police power highlights that social interaction in the city is not just a subject for legally sanctioned individual freedom, but is intersected by multiple expert fields that govern this dense urban co-existence. Thus, in addition to the legal logic framing liberal thought we can also note the administrative logic possessed by the municipal departments and supported by the knowledge of specialists. Not every field of expertise recommends that the best way to govern is to leave the decision making to the individual actors. Rather, they often seek to achieve a beneficial condition by techniques aligned with the directive diagram. For instance, urban and transport planning, while following ideas of participatory and collaborative modes of planning (Healey, 1997; Innes, 1996), have an extended set of knowledge and techniques which aim for planning sustainable and lively cities. The reasons for this rely on the condition

of urban environment; due to its density a number of individuals seeking their rights could easily lead to conflicts and limit capacities to move (Blomley, 2011).

With the use of cars subjected to police powers since the early days of the automobile (Norton, 2008), car parking has also become subject for governing by measures such as parking requirements, parking caps and the paid parking system. The introduction of the latter is comprehended by some observers as 'feudal' power of the city asking for money for the use of its property (as Valverde, 2012 does). For transport planners, however, paid parking is rather an effective tool for regulating the use of the urban commons by managing circulation and reducing pollution (e.g., Shoup, 2005). The administrative logic might look illiberal from the point of view of legal logic, but it aims to improve the living conditions of the collective. A large number of car drivers enjoying their freedom to park easily leads to the limitation of access for others and thus curtails their freedom. Depending on the perspective, paid parking also possesses elements of liberal diagram. From the point of view of sustainable transport management, the monetisation of car parking provides persons with the choice of whether to drive or use an alternative and more sustainable transport mode (see Shoup, 2005). Thus, the administrative response for paid parking system has been utilised to find a balance between restrictions and freedoms in managing the existing urban space.

In the following section I will specifically address the material governmentality of urban mobility which will be the focus of the rest of this thesis. I review the literature on automobility that has brought the artefact of the car as a material object into the focus of social analysis. This is followed, then, with an overview of the politics of automobility and regulatory activities that concern car parking, where I hope to give a more affirmative place for the field of transport engineering than it usually receives in critical urban research (such as Blomley, 2011). Car parking is an apt case for reflecting on the questions of material governmentality, as it rests in the middle of the conundrum regarding liberalism and need for governmental intervention in urban environment: while density necessitates regulations of car parking, such regulations are in a complex relationship with the understandings of individual freedom. Some of the ways of governing could become 'normal' (such as parking standards discussed in Chapter 7) while others are complicated and contested (such as paid parking regulations discussed in Chapter 6).

3.3 The material governmentality of automobility

> Traffic congestion is caused by vehicles, not by people in themselves. (Jacobs, 1992 [1961], p. 229)

> [I]nstead of writing the history of the motorcar as a tale of individuation, it must be interpreted as a story of increasing standardisation and institutionalisation. … the automobilist is now a neatly institutionalised actor—well guarded by the automobile owners' clubs, driving schools and traffic regulations. (Beckmann, 2001, p. 601)

> The invasion of the automobile and the pressure of the automobile lobby have turned the car into a key object, parking into an obsession, traffic into a priority, harmful to urban and social life. The day is approaching when we will be forced to limit the rights and powers of the automobile. Naturally, this won't be easy, and the fallout will be considerable. (Lefebvre, 2003 [1970], p. 18)

Jane Jacobs in the above quote has neatly captured the nature of the problem this thesis is grappling with. In her view, the appropriate target of governmental intervention is cars, their actions and the use of space. Even though I would agree with Blomley's (2011) critical assessment of engineers turning people into technical figures of 'pedestrians' (he uses the word 'ped') which neglects the political being of citizens, such a simplified figure is much easier to comprehend in terms of automobiles. The car has a size, mass and speed that affect its accommodation on streets and parking lots, and raises concerns in terms of safety. The materiality of the car is very much present in practice and should not be something forgotten in the engineering literature nor in sociological analysis. Objects, then, are not just intermediaries but they mediate action (Latour, 2005), as discussed in Section 2.2. This section sets up the topic of how car parking is governed by building connections between material governmentality and automobility. The starting point here is the recent sociological interest in automobility which through building on a systems approach to car usage, has allowed for a more materialised understanding of urban automobility, while also bringing attention to how governmental activities help to produce automobile subjects and spaces. In this section, I will highlight cars as things that afford practices while being also normalised and positioned in different assemblages depending on the socio-political context we consider.

3.3.1 Automobility in literature

The car is brought into focus in recent sociological analysis—with a considerable body of literature already emerged (for a review, see Merriman, 2009; see also Freund and

Martin, 1993)—by thinking about cars in relation to systems, where cars are just one—albeit, constitutive—element. Multiple elements of automobility form a complex network that extends all over the world. The elements include in addition to cars also roads, parking lots and garages, petroleum supplies, traffic signs and regulations, and numerous other smaller and larger entities (Urry, 2004). Automobiles are one of the 'technical artefacts' of modern societies which have become paradigmatic and 'interwoven into the tissue of contemporary society' (Beckmann, 2001, p. 593), enabled through the hard infrastructure of physical environment and soft infrastructure of institutions and regulations, resulting in what can be called 'the automobile-related transport system' (Beckmann, 2001, p. 595). In that system, as Beckmann (2001, p. 595) notes, 'the automobile turns into a structural prerequisite for the organisation of everyday life, while at the same time the variety of forms of everyday action becomes the structural prerequisite for the expansion of the automobile.' In Foucauldian terms, it can be argued that automobility has been normalised.

Looking at automobility as a system, it is possible to link the politics of oil to the act of driving children to school in a Western country; or to link such mundane parts of the urban environment as parking lots to planning politics (Henderson, 2009) and cultural history (Jakle and Sculle, 2004). Utilising the systems perspective, cars and other artefacts become more than passive entities shaped by humans to match their needs as in the complex assemblage of relations in which they are entangled, they are elements with effect. The systems approach could be criticised for not paying enough attention to concrete political decisions made in particular moments (Paterson, 2007) and for downplaying the role of powerful actors such as car manufacturers, oil and road construction companies that are involved in promoting automobility (Merriman, 2009). Similarly, there is the diversity of car cultures (Argenbright, 2008; Edensor, 2004; Freund and Martin, 1993, chapter 4; Miller, 2001; Siegelbaum, 2008) and road spaces (Edensor, 2004) which the systems approach considers to be all equally part of the automobility. However the key point to take away from a systems approach to automobility is its work towards noting the importance that apparently insignificant artefacts can have in society.

Despite being technologically the same or at least similar wherever in the world they are used, automobiles are positioned in different networks depending on the social and cultural context, leading to diverge practices and meanings. Various chapters in Miller's

edited collection *Car Cultures* (2001) explicate those differences: Young (2001) shows how aboriginal society has assimilated cars into their material culture; O'Dell (2001) discusses the ways in which cars are associated with what is to be American or modern in Swedish *raggare* culture and Verrips and Meyer (2001) consider how keeping a car running in the lack of spare parts and equipment in Ghana is a lot different business than a smooth technological maintenance done in the Western context. Similarly, the Soviet system placed cars in a diverging situation compared to that in the Western countries. While Soviet cars were in many ways based on those produced in the West—Ladas, for instance, were even built on licence from an Italian auto-maker Fiat—they were situated in the particular condition of the Soviet system: such as the deficit of consumer goods and the restriction on car ownership. Keeping cars going in the economy of deficit was a complex matter often accompanied by a variety of state-antagonistic practices (Siegelbaum, 2008). The Soviet car culture was thus a distinct culture with its own practices, many of which have not persisted to the post-Soviet years.

In the network of relations wherein automobiles are entangled, the symbolic value they have gained for citizens differs depending on the cultural context they are within. On the one hand, this value comes down to the physical space assembled around cars, in which automobiles have become a necessity of a good life. 'Where driving is ubiquitous,' writes Rajan (1996, p. 9) 'cars also tend to turn into essential, even prosthetic, machines for negotiating urban space.' Being mobile using a car is then what a 'normal' person does while the lack of capacity to drive signifies a disability. The freedom that cars supposedly provide is one of the reasons why moving by a car has a high social status whereas the incapacity to drive has tended to be stigmatised (Litman, 2009). On the other hand, cars themselves are valued as expensive consumer goods or elements of status. This is largely due to the investment that cars require (the second largest sum paid in person's life) and the attraction of driving that advertisers have produced (McLean, 2009). Cars are not merely things that enable people to move from one place to another. Cars are also associated with ideas of modernity (Ladd, 2008; Rajan, 1996), superstitions and religions (Verrips and Meyer, 2001) and they gain a symbolic significance from the practices of care that they necessitate (Möser, 2011; Verrips and Meyer, 2001).

Freedom is arguably the main symbolic association—an 'automotive emotion' (Sheller, 2004)—that cars have both in common perceptions and by academics (Dunn, 1998; Lomasky, 1997; Maxwell, 2001). The increasing use of automobiles throughout its history has been associated with its provision of freedom alonsgside with the signification of wealth and status (Sachs, 1992). The possibility to go wherever and whenever one wants to, the freedom not to depend on the schedules and limited coverage of space provided by the public transport have been major appeals of the individual car ownership throughout its history (Ladd, 2008). The liberating potential of cars is also manifested in movies, novels and artworks (see Wollen and Kerr, 2002). Cars are often not just background to the events but can give strength to certain meanings or emotions that a movie aims to convey; for instance, the meanings of liberty and freedom in road movies.

Nevertheless, the freedom provided by cars has always been challenged. Firstly, the freedom itself leads to its curtailment via congestion and thus to the persistent but failing endeavours of the traffic engineering specialists to increase the road capacity. Cars and driving are both liberating and constraining at the same time (Conley and McLaren, 2009). Secondly, the freedom of cars has not been equally available to everyone as it has been subject to different social divisions in the society. Hence, being able to drive as a woman (Garvey, 2001) or driving while black (Gilroy, 2001) have been contentious issues over the course of the twentieth century. Gaining the right to drive has then been part of more general fights in relation to the feminist movement or the movement against racial discrimination. The freedom that cars are associated with is thus not only an individual property but a part of wider issues of politics; although the recent sustainability perspective has strongly limited the potential positive associations that driving cars could have.

The affective dimension of car-driving is often overlooked in the transportation strategies. These strategies try to shift car-driving habits without due consideration of 'automotive emotions' (Sheller, 2004) that are also part of the support or opposition to various political causes in car cultures: 'We not only feel the car, but we feel through the car and with the car' (ibid., p. 228). This leads Sheller (2004, p. 224) to conclude in regard of the transport policies that only when automotive emotions are considered can we understand 'what will really be necessary to make the transition from today's car cultures (and the automotive emotions that sustain them) to more socially and

environmentally responsible transportation cultures.' The 'automotive emotions' also include patterns of kinship, sociability, habitation, work and political dispositions—all of which can make up different national kinaesthetic and sensory forms of mobility (Sheller, 2004). For instance, for young men cars are often essential for gaining status amongst peers while being also space for sexual rendezvous. For parents cars are tools to fit in various movements around the city: children to the kindergarten, then travel to the work, taking kids to their hobbies and so on. The internal architecture of cars, moreover, as Laurier et al. show (2008) could be beneficial for parental tasks with children belted to the backseat and thus more receptive to communication. In extended families cars could be used to take relatives to the summer house, have vacations or in other ways use the car as an element of social reciprocity. With car ownership levels low and cars hard to acquire commodities in the socialist societies, such collective role of the car was particularly important. Whilst the individualism and freedom prevail in the symbolic level, it should not be denied that cars are in many ways social.

Taking the symbolic side of cars seriously leads Ladd (2008, p. 6) to draw attention to the attractions of cars that many car criticisers forget: 'Whether cars are a wise choice, people love them, and cannot imagine life without them.' This love of cars has, on the one hand, made contestation of car mobility difficult for governors: even 'suicidal' for a politician in postwar West Germany, as Ladd (2008) argues. Writing about the recent automobility critique in Western European countries, Ladd (2008, p. 129) futhermore notes how the 'prospect of renouncing mobility is less likely to appeal to, for example, Chinese, who might see it as a return to the limits of the *danwei* work unit they only recently escaped'. A similar situation has characterised the post-socialist countries in which the move away from what was during socialist years is considered important and a tendency in moving back to the Soviet years is seen as a threat (discussed more in Section 4.4.1 and Chapter 6). Some of the state activities—such as taxing vehicles—are thus contested in Estonia on the grounds that they limit freedom and complicate lives of the post-socialist consumer-citizens who want fewer state directions compared to what used to be the case in the Soviet days.

Yet, as Beckmann (2001) suggests in the quote at the beginning of this section, the domination of automobility as well as the freedom it provides for the car users have only become possible through governmental activities. The freedom of car use does not occur as something outside the state or in opposition to the state but is produced by

governmental activities. The freedom of automobility would not be possible without the physical environment and regulations making driving achievable. Driver licences, number plates, traffic rules, signs and road markings, and police activities all seek to keep traffic flowing without obstacles and without causing harm to oneself or others. Even the ultimate expression of freedom by cars—the free 'citizen' on a highway—was possible only because taxpayers' money was invested by government to construct these roads (Seiler, 2008). The development of car mobility has even benefitted from the political regimes of the totalitarian states. In his historical treatment of automobility, Ladd (2008) shows how the governmental intervention by the nazi regime has actually supported the generation of cars as everyday mobility devices: such as by bringing the people's car Volkswagen to the existence and by initiating the construction of Autobahns (see also Sachs, 1992). One should thus pay attention to the governing practices in order to understand the workings of automobility.

If automobility is in many ways a governmental construct then the relationship between humans and cars is less one of car-driver hybrid/assemblage (Dant, 2004) and more of a car-citizenship, which is a point developed in the following section.

3.3.2 Automobile subjects: from driver-car hybrid to car-citizen

The hybridisation of drivers and cars into driver-car hybrids or assemblages manifests the extent to which cars change the capacities of humans: instead of a person we should talk about a person-thing (Dant, 2004). As Dant (2004, p. 74) explicates, '[t]he car does not simply afford the driver mobility or have independent agency as an actant; it enables a range of humanly embodied actions available only to the driver-car.' According to an influential study by a sociologist Jack Katz (1999, p. 33) on how emotions work in particular moments of social life, the driver's body and the car can be conceptualised as coupled together in a hybrid 'person-thing': 'a humanized car or alternatively, an automobilized person.' When one is 'cut-off' during driving, it is not just the car whose path of movement has been limited, but it is an act against the person who drives the car, inducing him or her to regain one's posture through actions towards the other driver-cars. Thrift (2004) is supportive towards an assertion that the experience of driving is embodied and claims that driving has sunk into our 'technological unconscious': a car as an extension of a human body coupled with the increasing amount of technology in the car that mediates the feeling of the road for the driver suggests that the difference between the 'human' and the 'machine' or the 'technical'

becomes increasingly blurred. These approaches thus draw attention to the ways in which the capacities of humans and cars are co-generated.

Such human-and-car analyses, however, are open to critique for their lack of attention to 'the political forces, discourses, meanings and imperatives which have brought the current situation about' (Paterson, 2007, p. 27) and constrain possible changes to a more sustainable future. These political forces, as argued above, have maintained the car mobility system, doing so even in relation to what might at first sight appear as critical of car use. This has been the case for instance with safety issues. Even if factors such as safety have been considered as concerns for restricting freedom of drivers (Forstorp, 2006; Packer, 2008), through numerous measures like the Motorway Code (with speed limits and other restrictions), government disseminated social advertisements and media coverage (see Merriman, 2007), the cause of decreased safety on roads has still often been attributed to an 'other' like drink drivers, youth or other 'inexperienced', 'irresponsible' and 'reckless' users of roads, without seeing safety concerns as a challenge to the whole mode of movement by cars (Packer, 2008). Thus, we should not merely think about car-person(s) hybridity but a car-person-government assemblage wherein the ability to drive and the conditions in which cars are used are subject to governing.

Car-citizen. Cars and humans are interlinked into an assemblage, where people are positioned differently in regard to the state and each other (Sheller and Urry, 2000). Obviously, the demands on the government from the position of a driver differ from the demands that a person who primarily uses public transport or cycles would make. Wanting to secure freedom of movement with a car means worrying about parking prices, potholes that can damage the car, and traffic jams. For a person who does not use a car these questions would not be the central ones, and demands could include rather more frequent and cheaper public transport service, or improvements of bicycle roads. Therefore, it matters what kind of 'prosthetic device' one uses (Cresswell, 2006). Citizens are 'prosthetic citizens' whose mobility is 'a product of a multitude of human/environment interfaces' (ibid., p. 167). Mobility is socially produced—people should be seen as 'equally immobile' and capable of moving only with the aid of 'prosthetic devices'. The mobility is afforded by devices like paths, cars, trains, buses, or wheelchairs, which are embroiled in the configuration of spatial and regulatory environment. The purpose of getting beyond automobility, then, is not simply to get

people out of cars or restrict car use. Rather, it is that 'auto-mobility'—defined as autonomous and free subjects (Böhm et al., 2006)—needs to be associated through regulations, urban planning and economic processes with a 'prosthetic device' that has less collectively negative outcomes (to environment, for instance) than cars do. As the citation by Jane Jacobs in the beginning of this section notes, the way people move in the city influences the character of the urban environment (traffic jams are made by cars).

By focusing on the governmental production of driving subjectivities, the possibility to construct other citizens, for instance, 'cycling citizenship', comes into view (Aldred, 2010). Building new mobilities does not necessarily mean, then, completely new subject properties—as cycling is in many ways associated with freedom as well (Fincham, 2006; Paterson, 2007; Sachs, 1992)—but could be made possible just by linking another device with the spatial practices of existing subjectivities. Still, as Lefebvre also noted (cited in the quote above) and as was discussed in the previous section, de-coupling a car from the individual perception of freedom and replacing it with another device is not easy to achieve.

In addition to car-person-government assembling—that is, car citizenship—physical space has also to be considered. On the one hand, this applies to the ways in which space matters in terms of large scale processes in the urban environment. Graham and Marvin (2001) thus argue regarding 'splintering urbanism' that urban spaces configured for car-users are inward looking, leading to the fragmentation and privatisation of social relations. Henderson (2006), moreover, shows in line with 'splintering urbanism' how the production of automobility in the field of urban planning and transport regulation translated into anti-urban, low-density, anti-transit, individualist—and even racist—manifestations of 'secessionist automobility' for white suburbanites. On the other hand, the politics of automobility (cf. Henderson, 2006; Walks, 2014, Early view) includes interaction of different vehicular mobilities in road space (see also Henderson, 2013). Using the case of post-2004 police practices against New York Critical Mass bicycle rides, Blickstein (2010) for instance shows how bicycles are defined as disorderly and inhibiting the 'normal' movement of 'ordinary' people, that is, people using their cars. The movement by automobiles as 'normality' is built into regulations, laws, court practices and policing, forming a prevalent discourse which asserts that '[a]nything that obstructs, slows, or impedes motorized traffic is disorderly' (Blickstein, 2010, p. 894).

Prytherch (2012), moreover, reveals the socially unjust legal geography of road space whereby legal statutes reproduce the domination of automobiles over slower and weaker modes such as pedestrians and cyclists. The politics of automobility, thus, opens up the possibility for challenges to reconstruct existing metropolitan space into a more sustainable one, as well as to make cities more accessible for weaker groups (including cyclists, pedestrians and disabled people) by contesting the ways roads are ordered.

A particular political challenge arising from the assemblage of car-citizens and physical space is the issue of car parking that opens onto significant questions concerning individual freedom, acceptable ways of regulating cities and the use and availability of urban space. I will unpack these questions below.

3.4 The material and governmental politics of car parking

Car parking is a crucial part of automobility. It makes automobility possible in the first place as vehicles are stopped and stored for more than 90 per cent of the time (Shoup, 2005). In order to be able to use an automobile, then, parking spaces must be available. This is the point where automobiles become an urban problematic. The density of cities makes parking spaces a commodity in high demand. While the availability of parking spaces in the outskirts of cities has been one reason for (and an outcome of) urban sprawl, cities have also utilised a variety of regulatory technologies to keep parking spaces available in the city. Transport planning has thus problematised where one can park, for how long and how much has to be paid. Moreover, an alternative set of ideas in transport planning has emerged over the last decade, defining the problem of lack of parking spaces as an opportunity to re-shape urban mobility more broadly (Holden, 2005; Litman, 2011). Instead of seeing the lack of parking opportunities as an indication of the requirement to construct new ones, by curtailing parking the conditions are produced to push people to use more sustainable modes of transport such as cycle, walk and take public transit. People's behaviour is directed by limiting their choice (to use cars) and making alternative modes to appear more appealing.

Alongside interest in parking regulations among transport planners, there has been a shift in thinking in sociological analyses whereby something as mundane as car parking was brought out from the oblivion. Most of the automobility research has been interested in the moving car and spaces for it, but a number of studies have emerged over recent years that bring car parking neatly into focus. These studies include the

pioneering 700-page transport and urban planning study *The High Cost of Free Parking* (Shoup, 2005), a cultural history of car parking entitled *Lots of Parking: Land Use in a Car Culture* (Jakle and Sculle, 2004), the design oriented study *Rethinking A Lot: The Design and Culture of Parking* (Ben-Joseph, 2012) and legal geographies of various car parking issues in *Politics of Parking: Rights, Identity, and Property* (Marusek, 2012), as well as a handful of urban studies papers (Barata et al., 2011; Barter, 2012; Guo and Ren, 2013; Henderson, 2009). In this section, I review this set of literature and combine its lessons with insights from the policy literature. I would like to unpack three themes: the importance of materiality in terms of urban space, the ways in which governing rationalities have elaborated on the possible solutions to the spatial problematic of parking and how those governing procedures have interacted with social sentiments of freedom. This section introduces the themes that will be further investigated in the course of empirical chapters 6 to 8.

First, studies have drawn attention to the importance of the materiality of car parking, starting from the spatial extent of parking lots and ending with particular design issues. Each parking space is roughly 12 square metres (5 x 2.4 metres), which is the size of a bedroom. To this should be added the space for manoeuvring which increases the size of single parking lots to roughly 25 square metres (a number cited in various studies; see, e.g., Shoup, 2005). Considering that each car needs at least one parking space and that there is no perfect rotation of cars with many parking lots free for lengthy periods (such as at offices over night), the space required for parking cars amounts to a significant land use (see Ben-Joseph, 2012; Shoup, 2005). The size of parking lots and the scale of their provision also raises questions about the costs (especially if bundled into the building costs in cases of shopping malls or residential houses, often also for those who do not own or use cars) and the opportunity costs of other functions these spaces could have had (Shoup, 2005). One can think about functions such as playgrounds, parks and sporting facilities that these land plots could accommodate. In Chapter 8 we will see such a confrontation of land uses in a Soviet housing estate. The material reality that cars need to park somewhere translates into a significant extent of physical space devoted to cars in cities, with financial consequences to even those who do not drive cars, and missed opportunities of land uses.

Secondly, there are multiple governmental tools that aim to find solutions to the spatial problem of car immobility. All these tools relate to questions of freedom and the

acceptable extent of state intervention in different ways (unpacked further below). There are three prominent sets of ideas: accommodating more cars in the same space, increasing the amount of space for cars and, finally, limiting the space for cars. The first is achieved by paid parking which is a way to regulate car parking on street space as well as on more frequently used parking lots (discussed in Chapter 6). Paid parking makes parking a priced commodity/service whereby one has a financial incentive to park for a shorter period thereby allowing more cars to have access to this place. The second idea—increasing the amount of space—is done, for instance, by prescribing minimum parking requirements for new developments (discussed in Chapter 7). Shoup (2005) offers an elaborate critique of this governmental technology as it has led to a situation in American cities where drivers almost never have to actually pay for parking. The third idea—limiting parking space—is opposite to the parking requirements. Parking caps exhibit progressive ideas of curtailing car use (Henderson, 2009) and are thus seen positively by critical transport scholars (Shoup, 2005). Yet, as in the Estonian case described in Chapter 7, a parking cap could be coupled with the minimum parking standards and might not work that differently. In addition to these three main governmental rationales and their coupled technologies, there are also many minor governmental tools to manage parking. The possible policy instruments include (see CIHT, 2005; Kodransky and Hermann, 2011; Litman, 2011): emission reduction through parking (CO_2 based parking fees), bollards to limit cars entering certain areas, 'Park and Ride' to encourage public transit use while reducing the number of cars in central areas and car-free developments with zero-provision of parking. There is, thus, a rich field of available governmental interventions to parking. Yet, the aims and rationales of the governmental tools are just one side of the story. The other concerns relate to how these regulations work in practice and what other rationales affect their working.

Thirdly, then, car parking is not only a technical field for transport planners to deal with and develop governing tools for, but it is criss-crossed by multiple social, cultural and legal concerns such as freedom, property and rights (Marusek, 2012). Decisions on the provision of car parking are political whereby particular details of parking—such as where, how much, how expensive, how enforced—are sources of critical reflection and hence, matters of the politics of urban mobility (cf. Henderson, 2013). Parking can be a sensitive area for citizens and thus also for politicians (Ison and Rye, 2006). Parking is a political matter as it raises questions of the functioning and meaning of the law and the

role of the state in intervening to the matters of parking. The acceptability of state interventions rests on one's political position, whether it be progressive, neo-liberal or neo-conservative (Henderson, 2009). However, parking rules are not simply applied, but are in many ways also redefined and contested in everyday practices. In these instances, governing activities are often seen as actions against individual freedom (Marusek, 2012). Parking regulations, thus, are open for reflection, neglect and contestation in the everyday practices while regulatory tools—even though they are first and foremost planning measures—are shaped by political positions of citizens and politicians as well as of engineers themselves. These points become more vivid through the empirical study of Tallinn presented in Chapter 6 to 8, where Chapter 6 deals with paid parking and its contestation on the grounds of private property, Chapter 7 shows the use of parking standards which despite being a character of the strong bureaucratic state is taken-for-granted by various parties involved and Chapter 8 highlights an example of parking governing where the freedom of citizens is harnessed to improve conditions of parking provisions.

3.5 Chapter conclusion: the material governmentality of urban auto-(im)mobility

This chapter used the framework of material governmentality introduced in the previous chapter to reflect on the urban governing and the problematic of car (im)mobility in particular. The chapter showed how the material character of cities is made to matter in urban research by building on STS and assemblage/ANT. It was then argued that the materiality of the urban condition necessitates direct governmental involvement, meaning that such aspects of urban governing follow a 'police' logic more than liberal principles. The city with its density, diversity and needs of circulation invites regulations that do not simply let individuals act freely but dictate what should or should not be done. Such regulations are analysed by specialist fields such as transport planning that was encountered in this chapter in relation to the topic of car parking. After first introducing the literature about automobility that has started to pay more attention to cars than previous literature, the chapter moved on to reflect on the material, regulatory and socio-cultural nature of urban car parking drawing not only from geographical expertise but also from transport experts. Car parking is an urban concern that is usually regulated, but in which governing is often not hidden but invites various contestations by the citizens. An example of such contestation emerges vividly and explicitly in Chapter 6 where the local state is seen as unconstitutionally curtailing

freedom. In Chapter 7 and 8, however, the politics of car parking does not emerge in open public discussions and debates but in governmental processes that take place in a more hidden manner between businesses and regulators (Chapter 7) and in the governing procedures regarding parking lots in the courtyards of housing estates (Chapter 8). Such political processes are in different ways shaped by what has been before—in Estonia, socialist times.

The thesis thus moves next to reflect on the notion of 'post-socialism' as it has been previously utilised in relation to cities. In order to use 'post-socialism' in the analysis, the next chapter aims to make the term into a concept that is capable of capturing local characteristics without succumbing to parochialism and descriptive account of 'local conditions'. Post-socialism has previously been used to designate merely a region after certain temporal moment—post-1991 Central and Eastern Europe—or as a characteristic of a condition. While the latter is more elaborate than the former as it acknowledges hybrid and relational characteristics of cities and societies, it is still regionally bounded and has the danger of parochialism. This thesis, thus, offers a de-territorialised concept of post-socialism which can be used to make sense of particular aspects of cities and societies. After introducing it in the next chapter, the concept will be more fully unpacked through empirical chapters 6 to 8 by noting how socialist history influences understandings of paid parking (Chapter 6), weak/strong state (Chapter 7) and forms of neo-liberal governing (Chapter 8).

4 Post-socialist cities

This chapter discusses the notion of 'post-socialism' and its applications in relation to cities. Post-socialism is a dominant way in which Tallinn is understood for its history, regional location and form of urban development, which have linked Tallinn to the academic discourse of 'post-socialist cities' (see, e.g., Kährik and Tammaru, 2008; Leetmaa et al., 2006; Leetmaa and Tammaru, 2007; Leetmaa et al., 2012; Ruoppila and Kährik, 2003; Ruoppila, 2005, 2007). For nearly 50 years Tallinn was the capital of the Estonian Soviet Socialist Republic before becoming the capital of the Republic of Estonia when the Soviet Union collapsed in 1991. Over this half century, the city was governed by the political, social and economic principles of the communist system that left imprints on the physical form and the social landscape. Nevertheless, while the adjective 'post-socialist' has a particular importance in the field of post-socialist urban studies (advanced by, e.g., Andrusz et al., 1996; Axenov et al., 2006; Borén and Gentile, 2007; Gentile et al., 2012; Hirt, 2013; Kostinskiy, 2001; Sailer-Fliege, 1999; Stanilov, 2007; Sykora, 1999; Sykora and Bouzarovski, 2012) and tells a lot about Tallinn, this chapter argues that the existing use of the term has been somewhat limited due to its aim to capture cities and societies as totalities. Rather than abandoning the term altogether, however, this chapter revises it and makes it more applicable for the forthcoming analysis regarding governing the socio-materiality of cities. I thus offer 'post-socialism' as a notion for specific aspects in cities and societies—post-socialism as a de-territorialised concept. While often restricting analysis, the adjective 'post-socialist' offers potential for taking wider thinking on cities further, in ways that nonetheless preserve particular local experiences.

The chapter draws its inspiration from comparative urbanism in its aims to avoid three pitfalls: firstly, 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 modernising/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 challenge the Euro-American domination in urban studies (McFarlane, 2010; Robinson, 2006, 2011). Whereas the literature about cities in Central and Eastern Europe (hereafter abbreviated as CEE) is extensive, forming a field with a significant amount of edited collections, special issues and conferences, it is not possible to claim that it has assumed a

prominent position in urban studies, thereby still remaining 'off the map' (cf. Robinson, 2002). However, the literature around 'post-socialist cities' has much to contribute to emerging debates around comparative urbanism, showing the limitations of some strategies for focusing on cities beyond the West as well as the potential that a more regionally inclusive urban theory would provide.

The adjective 'post-socialist' functions in at least three different ways in urban studies: as container, condition and de-territorialised concept (see Table 4.1). It firstly refers to cities located in a particular region at a particular historical moment (post-socialism as a *container*). Secondly, it is applied as a marker of a particular *condition* with attention paid to the condition's significance and specificity. Thirdly, the adjective marks particular processes or phenomena, such as distinctive patterns of suburbanisation in cities located in CEE, although this regional limitation is not a necessity (post-socialism as a *de-territorialised concept*). These three perspectives of post-socialism share some aspects whilst remaining distinct (portrayed in Table 4.1). A spatio-temporal container approach provides the most limited view in light of the three challenges that comparative urbanism has offered, and the critique of this approach has thus already been widespread over the last decade (Ferenčuhová, 2012; Grubbauer, 2012; Hirt, 2013; Jauhiainen, 2009; Stenning, 2005a, b; Stenning and Hörschelmann, 2008; Wiest, 2012). Both condition and de-territorialised concept, however, allow moving away from a regionally restrictive focus on these cities, while still acknowledging the importance of specific historical experiences of places that counter-balance the universalising narratives of global urban trends.

The distancing from regionally bounded perspectives is particularly pertinent for the studies of cities in CEE, which forms a region in danger of a double-exclusion: being positioned outside mainstream urban studies but also playing an insignificant role in the recent post-colonial critiques of this field. While cities outside of the centre are often implicitly conceptualised as places that validate or invalidate theories, rarely being themselves sources for creating novel theory (McFarlane, 2010; Robinson, 2011), the analytical move 'beyond the West' (Edensor and Jayne, 2012) might still lead to 'new hegemonies' (McFarlane and Robinson, 2012) by, for example, writing mostly about large cities in South-East Asia, Latin America and Africa. A caution towards area-based imaginations of urban theorisation shall thus be levelled with an argument positioned in this thesis in favour of an approach that sees cities first and foremost as ordinary

(Robinson, 2006). By assuming the character of cities to be beyond the reach of adjectives such as 'global' or 'developing' as well as 'Asian' or 'post-socialist', 'ordinary cities' allows urban places to be understood as multiple and complex with their own potentials and capacities. Seeing cities as ordinary, however, need not mean that the complexity of those cities would not contain those aspects that are indeed grasped by notions of 'global', 'post-socialist' or other adjectives. Thus, seeing post-socialism as a de-territorialised concept has analytical potential in some or many ordinary cities (including those influenced by socialism outside CEE, such as Vietnam, Cuba, Tanzania, etc[6] and, as I will discuss below, cities which have never been in a socialist political system). The concept of post-socialism, then, can be applied to particular aspects of cities rather than seen as something that encapsulates the entirety of an urban experience as post-socialism as a container and post-socialism as a condition approaches do.

This chapter introduces the de-territorialised concept of post-socialism in three steps. Section 4.1 reviews the shift from seeing post-socialism as a 'spatio-temporal container' to that of a 'condition'. Section 4.2 critically examines the utility of seeing post-socialism as a condition, and in drawing from the debates in comparative urbanism, offers an argument away from area-based understandings, whether for CEE or elsewhere. Finally, Section 4.3 fleshes out the alternative notion of post-socialism—a de-territorialised concept—and illustrates it through some reflections on the case of Tallinn. These points will be more fully elaborated in the empirical chapters of the thesis.

4.1 From seeing 'post-socialism' as a 'spatio-temporal container' to seeing it as a 'condition'

Table 4.1 maps out the characteristics of three conceptualisations of post-socialism regarding three core parameters—spatiality, temporality and the understanding of change—as well as what the adjective 'post-socialist' applies to, and what questions this perspective raises for an analyst. In this section I offer an analysis of two perspectives: container and condition.

[6] The point about those cities, however, is not explored in this chapter with the focus here on cities that are mostly seen 'post-socialist' (that is, those located in CEE). The point, nevertheless, shall be explored further. The author is also involved in organising a conference which deals with this problematic.

Table 4.1. Three different understandings of post-socialism. The gray shading highlights the analytical similarities between perspectives.

Post-socialism as... / Aspect	... container	... condition	... de-territorialised concept
Spatiality	Bounded regions	Relational regions	Relational regions
Temporality	After-1989/1991	Hybridity	Hybridity
Understanding of change	Transition	Transformation	Transformation
"Post-socialism" applies for...	The country, city, regions	The country, city, region	Specific spatial forms, attitudes, processes legal documents, etc
Examples of questions asked in the framework	When is post-socialism over? How processes compare to capitalist cities? What countries (and cities) belong to the post-socialist region?	Is post-socialism still a valid term for cities in Eastern Europe? How post-socialism affects other processes (such as globalisation, neoliberalism)? What are international effects of post-socialist changes?	How can post-socialism help to make sense of particular phenomena? How do arguably post-socialist aspects affect the question under study?

4.1.1 Post-socialism as a container

The most common way to understand 'post-socialism' has been to define it as a spatio-temporal container. This understanding offers straightforward answers to the three

parameters of 'post-socialism': the temporal dimension is seen to be 'after 1989/1991', the regional dimension is defined as CEE[7] and the change is characterised by transition (such as the threefold change of privatisation, marketisation and democratisation but also shifts in the physical form of cities). The 'container' vision of post-socialism was particularly common for academic writings in the 1990s and is the most common public perception of the term, but it also underlies some contemporary analysis.

Firstly, the spatio-temporal container perception stresses the sequential patterning of development for post-socialist cities. 'Post-socialism' is thus first and foremost seen as something that comes after the socialist city: it is constructed as *a priori* different from what used to be the condition of 'socialism'. The question asked about post-socialism thus includes the end of this state, and concomitantly the end of the term 'post-socialism'. Secondly, the spatial trope defines post-socialist cities as cities located in the region of CEE and the former Soviet Union (FSU). Indeed, most of the books and edited collections in journals on post-socialist cities consider this region (Andrusz et al., 1996; Pickles and Smith, 1998; Tsenkova and Nedović-Budić, 2006; Stanilov, 2007), only in some cases are other parts of the world like China or Vietnam considered (see Wu, 2003 on using 'post-socialist city' for Chinese cities). Spatially, the container understanding of post-socialism relies on the potential of clear-cut borders that can be drawn between groups of countries.

Such a 'spatio-temporal container' narrative of post-socialist cities can then be filled with various studies. These studies, however, tend to take a one-directional perspective of situated change: transition in CEE. Post-1989/1991 CEE cities are thus seen as *in* transition (Harloe, 1996) or *after* transition[8]. Even recently a prominent scholar on the post-socialist city, Ludek Sykora (2009, p. 394), states in his entry on post-socialist cities in the *International Encyclopedia of Human Geography* that they 'are cities in transition'. He then moves the point closer to the transitional narrative (ibid., p. 394):

[7] One new to the field will immediately recognise the number of parallel terms: 'post' + 'Communist' or communist or Soviet or socialist, with hyphen or without one. Each of the terms evokes a certain understanding of what is talked about: whether the 'post-ing' means the disappearance of the Soviet Union, or the end of communism/Communism as a prevailing Political Idea or the end of something vaguer, which is grasped in the term 'socialism'. Still, in general these words do not designate specific conceptualizations but are rather short-hand for what the author wants to discuss.

[8] Name of the network bringing together scholars doing research in this part of the world http://citiesaftertransition.webnode.cz/, last accessed 5 June 2013.

> Post-socialist city is a temporarily existing phenomenon. Its transition from socialist to another type of city is definite in time. Post-socialism is the time period between the change in the rules of the game and the completion of corresponding transformations in built and social environments. When will such transformations be accomplished and cities will become one of the many variants of urban places under capitalism? This question cannot be answered yet. Post-socialist cities are still on the road of their transformations.

'Transition'—a widely rehearsed concept especially in economics and political sciences—suggests that both beginning and end points are broadly known (from *socialism* to *capitalism*) thus stressing a direction of change in formerly socialist cities towards more European or capitalist cities, where some cities are leading and others lagging behind (e.g., Åberg, 2005 on the hierarchical development of Baltic capital cities). The concern in terms of post-socialism would be more or less about 'catching up' with the Western world and becoming one with the ideological goals of Europe (critically reflected on by Pickles and Unwin, 2004; Stenning and Hörschelmann, 2008). Transition suggests the eventual disappearance of post-socialist differences and with that, the disappearance of the term itself, as we see in Sykora's quote above (for critiques of 'transition', see Verdery, 1996; Stark and Bruszt, 1998; see overview in Pickles and Unwin, 2004).

In the spatio-temporal container framework, Tallinn is a post-socialist city due to its history as part of the former Soviet Union. With the accession of Estonia to the European Union in 2004, questions have been raised by observers and the public about doing away with the framework of post-socialism. Nevertheless, Tallinn is still part of the academic discussion on 'post-socialist cities'. Seeing post-socialism as a container leads researchers to attend to changes, whether these include the shift from state-led to market-led urban planning (Ruoppila, 2007), increasing socio-spatial differentiation (Ruoppila and Kährik, 2003), or suburban shifts in housing (Leetmaa and Tammaru, 2007; Leetmaa et al., 2009; Leetmaa et al., 2012). Nevertheless, despite a focus on transitions, some of the literature has also noted the various continuities in the urban landscape. Leetmaa et al. (2009), for instance, note the effect of socialist urban planning in the ways in which movement beyond the city residential areas has taken place. Recently, the studies have thus morphed into looking at post-socialism as a condition, which is the next perspective discussed here.

4.2 Post-socialism as a condition

Over the last several years, a new literature has developed that has more critically scrutinised the meaning of post-socialism and positioned it spatially, temporally and thematically within a more complex territory than the spatio-temporal container form of analysis (Grubbauer, 2012; Hirt, 2013; Wiest, 2012). Firstly, against the temporal demarcations of post-socialism as post-1989/1991, the literature has tended towards notions of hybridity (Burawoy and Verdery, 1999; Marciniak, 2009; Stenning and Hörschelmann, 2008). Crucial elements of one 'era' might be continuities from a previous order (Sassen, 2006). This applies to 'post-socialism' as well as to 'socialism', which should not be reduced 'to a simplified, homogeneous, caricature' (Stenning and Hörschelmann, 2008, p. 323). The ideology did not define all aspects of social life, whereas the previous times affected the unfolding of socialisms. The temporal demarcation of 'post-socialism'—an epochal understanding—is thus challenged by the intermingling of elements from different time periods. Secondly, the spatially restricted imagination of post-socialism—as bounded regions—is challenged by more topological views of space that bring connections between places to the fore. According to Amin (2004, p. 33; see Stenning, 2005a on this view regarding 'post-socialism') regions should be seen as 'topologies of actor networks', in which places are produced through a number of networks and processes, from something as obvious as transport linkages to something more subtle like emotional attachment. In this understanding, some elements of post-socialism might be similar to, or taken from, other places in an interrelated field of cities, but interact with other entities that have continuities with the socialist era. Thirdly, to counter the notion of 'transition', the term 'transformation' is offered as a more nuanced way to capture processes of change (e.g., Stark and Bruszt, 1998; Sykora and Bouzarovski, 2012; Verdery, 1996). Indeed, capitalism does not simply emerge by creating certain political and economical institutions with the process of change characterised at the same time by a diversity of transitions (Pickles and Unwin, 2004). The 'transformation' shows the post-1989 condition as 'rearrangements, reconfigurations, and recombinations that yield new interweavings of the multiple social logics' (Stark and Bruszt, 1998, p. 7).

Approaching post-socialism as a condition thus captures the character of a city as a hybridity of past and present, here and elsewhere in an incessant interaction (Stenning and Hörschelmann, 2008; Marciniak, 2009; Pickles, 2010; Golubchikov and Phelps,

2011; Grubbauer and Kusiak, 2012a). Such interpretation of post-socialism parallels the main discourses of comparative urbanism that have proclaimed the interconnectedness of space where flows of ideas, goods, finances and people traverse cities and constitute them. Cities would thus 'already inhabit each other' (Robinson, 2011, p. 16) as part of the processes of globalisation (Dick and Rimmer, 1998) or as a result of policy mobilities, whereby they draw on diverse sets of policy discourses from a range of places—both global North and South—to shape their urban processes (McCann, 2011; McFarlane, 2010, 2011c; Peck and Theodore, 2010). The 'local', therefore, emerges in connection to other places, rather than being singular and separated. Nevertheless, despite the relational understanding of time and space, which moves away from the perception of post-socialism as a bounded container, the 'post-socialism as a condition' perspective thinks in terms of particular 'post-socialist characteristics' that still hint at a meta-narrative for these cities and societies.

From the perspective of condition, Tallinn is a post-socialist hybrid with socialist built heritage—such as the Soviet-era large-scale housing estates, now home for roughly half of the city's 430,000 inhabitants—a prominent element of the city. In addition to that, the urban fabric of Tallinn also contains a medieval city centre[9] and industrial quarters, as well as housing areas from the 19th and the early 20th century. In addition to those historical developments, the post-1991 period has added high-rises to the city centre (Ruoppila, 2007), shopping malls to the inner-city and low-rise residential developments to the outskirts. The city is thus temporally hybrid, with many important elements being socialist as well as pre-socialist. But the city is also spatially relational with city development influenced by the Hanseatic League, the Russian Empire and the Soviet Union, which all positioned Tallinn in different geopolitical relations: as a trade city, military port, ship construction city, and as part of industrialisation (Bruns, 1993). The post-1991 period is also characterised by the opening of the city to the international market and finance capital, which have played active roles in the real estate development. In line with examples portrayed by Stenning (2005a), an analyst might also look into the mobility of workers from Estonia to Finland and the counter-flow of remittances as well as ongoing discussions about an emerging Tallinn-Helsinki twin-city 'Talsinki' (Grišakov, 2013; Pikner, 2008). Tallinn thus contains elements from multiple eras, and has been and is part of various geo-political framings, making it

[9] Which is under UNESCO protection since 1997.

impossible to note a clear-cut transition. The process can therefore be seen as a transformation characterised by faster and slower shifts with elements and processes from the past and from a spatial distance playing an important role in what the place is today. The particular melange of elements and processes in Tallinn would lead an analyst drawing from the 'post-socialism as a condition' framework to apply the label 'post-socialist' to the city as a whole.

Before I highlight limitations of the 'condition' perspective, it is worth noting that there are at least two lines of advancement for more globalised urban theorising that this line of thought opens up.

Linking the 'post-socialist transformation' to broader concepts

The approach of linking post-socialism to broader concepts has been taken up by various studies such as Bodnár (2001) in relation to globalisation, Stenning et al. (2010) with 'neo-liberalisation' and Hirt (2008, 2012) with postmodernism. Stenning et al. (2010), for instance, direct their attention to the ways in which people in Slovakia and Poland interact with—by promoting, negotiating and resisting—neo-liberalisation that works across different cities and societies all over the world. They note post-socialist effects on neo-liberalisation, which thus becomes a more nuanced process. However, seeing the post-socialist condition as merely a local effect on something that is *a priori* defined as more general than the notion of 'post-socialism' preserves the distinction between theorising and area studies. It should be kept in mind that every concept emanates from somewhere (Chakrabarty, 2000; Robinson, 2006) whereby the context in which a concept is developed affects what it is and, hence, how it can be used to understand other conditions. Drawing on this idea, researchers have suggested alternative configurations for the power relations that concepts possess. Sonia Hirt (2008, 2012), for instance, argues provocatively that postmodernism in Eastern Europe might be 'purer' than in cities usually described by these terms—highlighting Sofia then as postmodern at the expense of Los Angeles—while Bodnár (2001) makes a similar point about globalisation. Moreover, drawing on the strategies of theorising proposed by some approaches in comparative urbanism (for instance, Roy, 2009), the particular or distinctive experiences of post-socialism—such as 'change'—can be seen as a principal reason for making a post-socialist city an 'interesting object of research' relevant for a wider range of urban experiences (Grubbauer and Kusiak, 2012b, p. 11) thus lifting it to

a more prominent academic position. In the case of Tallinn, the existence of two equally sized communities—one Estonian speaking and the other Russian speaking comprising mainly those who moved to the city during the Soviet era—with distinctive histories and socio-spatial relations characterised by (mainly hidden) tensions as well as a lack of connections might provide a basis to further develop understanding of 'divided cities'. The notion of 'divided city' would not be a stereotypically post-socialist feature and allows drawing parallels with other cities such as Brussels or Johannesburg.

Post-socialism is not just CEE experience but is a condition with global effects

Seeing post-socialism as a condition makes it possible to imagine its effects outside of the usual spatio-temporal container (Chari and Verdery, 2009; Outhwaite and Ray, 2005; Pickles and Unwin, 2004; Stenning, 2005a; Stenning and Hörschelmann, 2008). Post-socialist transformation is a global event—a 'global 1989' (Lawson et al., 2010) with wider global implications. This affects significant issues for cities (e.g., military towns) far from the places usually understood as 'post-socialist'. Thus, the persistence of the term 'leftism' (Pickles and Unwin, 2004, p. 16), or questions of military alliances and spending priorities were affected far beyond the CEE or FSU. In the analysis of socio-spatial changes in Los Angeles, for example, Soja (2000, p. 143) notes how the Cold War and its end influenced the development of military technology complexes in the metropolitan region at a distance from the so-called post-socialist region:

> In the mid-to-late 1980s, manufacturing employment hit its peak in the region [of Los Angeles] and by 1990 it had begun to decline in all five counties during what some claim to be the worst regional recession of the century. The end of the Cold War and major cuts in prime Defense Department contracts threw the regional economy into a pronounced but brief tailspin.

Even though Soja does not develop the point at all in terms of post-socialism, his observations do show that the end of the Cold War is a crucial moment in the Los Angeles urban landscape. It is unfortunate that elaborations on how post-socialism has shaped cities all over the world are largely missing and one hopes that more reflections on these lines are forthcoming.

The literature on the condition of post-socialism has combined contemporary geographical thinking on socio-spatiality by drawing in relational notions of space as well as intermixing temporal periods through understandings of hybridity (thus getting

closer to the view of cities as 'complexities' discussed in Section 1.1). It has opened up new lines of thought such as the post-socialist condition beyond the region to which the term is usually applied. It has also suggested that we see 'post-socialism as a conceptual rather than a descriptive category' (Stenning, 2005b, p. 125). However, Stenning's (2005b, p. 125) suggestion to explore this through 'more studies which debate the contours and boundaries of post-socialism, exploring differences and commonalities within it whilst also interrogating its connections to other worlds' still proposes 'post-socialism' as a meta-narrative: a label applying to territorial categories, and most particularly to that of CEE.

4.3 Moving away from the framework of regions

It is argued here then that even though the conceptualisation of post-socialism as a condition allows for a more theoretically sound understanding of post-socialism it still retains some of the shortcomings of spatio-temporal container intact, notably the focus to transition and area studies.

Firstly, by keeping the term post-socialism applicable primarily for the territorial entity, the perception of the condition as a temporary and transitional period persists. For instance, in her otherwise sophisticated elaboration, anthropologist Caroline Humphrey (2002, p. 13) suggests a possible path of demise for the category by arguing that '[i]f we see a growing gulf between two broad paths [that of CEE and those "further east"], if socialist values come to be rejected in several entirely different ways in different regions of the former socialist zone, and if "actually existing socialism" comes to be relegated into a largely forgotten past of yellowing newsprint, then it will be time to lay the category "postsocialist" finally to rest.' Similarly, in a recent important intervention, Sykora and Bouzarovski (2012) criticise the simplistic view of transition but merely replace it with a longer-term transition where changes take place from one sphere to another, with institutional transitions having already happened but shifts in social practices and urban form still ongoing. Even Stenning and Hörschelmann's (2008, p. 312) intervention starts by stressing post-socialist difference against the calls for the end of post-socialism, which hence are portrayed as 'premature and misplaced' by them. I argue here that even if this is not their aim, both the container and condition visions of post-socialism have the disturbing effect that it remains easy to turn post-socialism into a point in historical development. In this sense, post-socialism continues to be portrayed as a phase between two pre-defined broader eras with the attendant problems of this

perspective, as discussed above (Section 4.1.1). The only way that post-socialism as a condition can both include spatial and temporal hybridity and dispute the transition narrative would be to perceive it as a permanent condition. Therefore unless we want to argue that some cities are forever in the post-socialist condition, an alternative understanding of post-socialism is needed.

Secondly, although relying on relational conceptualisations of territorial entities[10], the centrality of CEE is retained in the analysis and hence the area-based division of the world is sustained. The problem is not so much that researchers investigate a specific region; rather it is the persistent linkage that the region as a totality has to post-socialism in this approach. Thus, post-socialism still remains a master-narrative whereby the concern for analysis is often explaining internal differences across the region and highlighting its distinctiveness in relation to other parts of the world (examples include many recent interventions, such as Hirt, 2013; Stenning and Hörschelmann, 2008). The centrality of the territorial marker in the analysis of post-socialism is complicated, however, by the elusive nature of regions as they are socially produced (Paasi, 1991), meaning that a region cannot form a stable ground to which to attach any specific conceptual development. Furthermore, defining a region often leads to further exclusions. In the case of 'post-socialism' some countries, such as Russia, tend to be constructed as more 'Eastern' and the core-periphery relationship where Western Europe acts as a context for the 'not-yet-fully European' countries to learn from or copy is re-inscribed (Kuus, 2004). But the regional focus also raises concerns in terms of research strategies in relation to the global theorisation of cities.

In order to refocus urban theory beyond Euro-American cities, one of the advocates for building on regional distinctiveness, Roy (2009), suggests 'strategic essentialism' to simultaneously dislocate and locate by centring on certain regions previously downplayed in the analysis. Indeed, comparative urbanism itself emanates largely from scholarship on Asian and African cities. Such scholarship therefore aims to draw other scholars' attention to the forgotten parts of the world. On the one hand, this is achieved by highlighting what is remarkable or distinctive within that region. On the other hand, and in more advanced forms of regional distinctiveness, the region acts as a base from which to launch new concepts in urban studies. In this way, particular issues of cities in

[10] Even though the post-socialism outside the regional borders is suggested, it remains largely undeveloped in urban research as well as in sociological studies more generally.

the global South—such as informality (Bunnell and Harris, 2012; McFarlane, 2012; Roy, 2005)—can be developed into concepts that are valuable not only for the contexts from which they emanated, but applicable for urban theory and research more widely.

Yet even though the argument for focussing on territories and regions 'off the map' forms the basis of a challenge to Euro-American centrality, it also raises some concerns. In particular, this approach reinforces or creates disparities amongst cities along regional lines, posing a danger of 'new hegemonies' (McFarlane and Robinson, 2012; Robinson, 2013). The Euro-American dominance in urban theory might thus be replaced with simply a different regional division of cities in the world. Indeed, some of the critique can be directed towards comparative urbanism at large, as it starts from and privileges the context of the global South which—although not clearly defined or definable—tends not to include some other 'off the map' regional imaginations, most notably the post-socialist regions (see also Stenning, 2005a; and Kuus, 2004 in relation to postcolonial theory). Ananya Roy (2009), for instance, in explaining her critique of Euro-American centrality with various regional examples from the 'global South' omits CEE[11]. This region might be left out because she considers it as 'properly Europe'. Nevertheless, as Kuus (2004, p. 482) argues, there is a 'double framing of Eastern Europe', meaning that it appears as 'not quite European but in Europe' which therefore poses a danger of generating a 'double-exclusion' in analysis, where post-socialist cities are neither centre nor periphery, neither mainstream nor part of the critique. Arguments based on the post-socialist condition therefore have the problem that the formerly Second World is often ignored in wider urban scholarship. The simple fact of difference that 'post-socialism' as a condition provides is not enough for raising interest in this area. Cities in the post-socialist condition would be competing analytically with cities in the Asian or Latin American condition. Lacking qualities such as economic significance or the size that characterises urban areas in South-East Asia and Latin America, as well as research capacities and interests of leading academic institutions that, moreover, are often remnants of the colonial past[12], cities in the post-socialist condition find it difficult to compete. Any regional centralisation poses concerns for regions with less weight in the previous analysis, as well as potential limitations in generating new curiosity for

[11] Neglecting then that there are area studies centres focusing on the 'post-socialist world': for instance, in University of Oxford there is Russian and East European Studies, at University College London a School for Slavonic and Eastern European Studies.

[12] The UK institutions, for instance, possess research interests and capacities towards India and Nigeria.

urban scholars whose interest might be directed elsewhere, given current trends in urbanisation and urban scholarship.

Therefore, instead of trying to bring in certain regionally-based imaginations of urbanism, or to argue for the importance of particular territorialised urban experiences, urban theorists could achieve a more global imagination of cities by relying on frameworks less susceptible to area-based hegemonic conceptualisations.

4.3.1 'Thinking beyond the West' in urban studies without regions

The other approach for globalising urban theory—conceptualising cities as distinctive and ordinary—might provide a more equal grounding for theorising cities. Such an approach suggests addressing each city on its own terms, without dividing them into regions, or assuming general end-points (like global city) or developmental paths: they are distinctive, diverse and contested, whilst existing within the world of diverse interactions and flows of different people, ideas and materials (Robinson, 2006). Cities should thus be seen as ordinary (Robinson, 2006, 2013, 2014), that is 'unique assemblages of wider processes' (Robinson, 2006, p. 109). Thinking about cities in this way would allow those seen as global or world cities to be ordinary, while cities that are small or other-wise do not stand out emerge on a more equal conceptual footing with cities considered important and/or are widely studied. As Robinson (2013, p. 668, 673) further argues, rather than focus on the 'outstanding, extreme and novel experiences', urban studies should look into the 'urban now' that 'directs our attention to the multiple geographies and temporalities of the urban'. The city of Tallinn, which has rarely figured in urban studies literature, could therefore have a way to enter the analysis of urban studies as an ordinary city that is part of the diverse field of cities in the world.

Nevertheless, for the analytical eye it will be difficult not to see patterns and processes in the city that imply the existence of 'post-socialism'. Following this understanding, cities could be seen first and foremost as 'ordinary'. However, depending on circumstances and relations, some aspects of their planning, urban fabric, economy, judicial and residential practices—though not the whole city as a totality—might be usefully understood through terms such as 'post-socialist'. Thus, instead of seeing post-socialism as a regional condition the point here is for an observer to make use of 'post-socialism' in the condition of spatial relationality and temporal hybridity whenever and insofar as it offers analytical potential. In some instances it would be difficult to argue

for the relevance of the term ‘post-socialism’ whereas in others a complex web of continuities, changes and anti-continuities render ‘post-socialism’ a useful concept. The researcher should be attentive, then, as Stenning and Hörschelmann (2008, p. 313) propose, to asking ‘how and where we might identify the post-socialist and if and why we might want to do that.’ This thesis therefore still agrees with Stenning and Hörschelmann (2008) and others (e.g., Cook, 2010; Humphrey, 2002), that instead of avoiding the use of the term ‘post-socialism’, we reserve the term for use in carefully specified ways that can help to make sense of some aspects of various cities.

4.4 Refining ‘post-socialism’: a de-territorialised concept

This section opens up some ways in which post-socialism could be perceived as a de-territorialised concept. This perspective observes cities in a parallel manner to that of the ‘condition’—as hybrid, relational and characterised by multiple transformations—but departs from it in one important respect: post-socialism does not apply to a whole city, or in that matter to a society or a region, but to more specific aspects of social and urban worlds (see Table 4.1). This is not just a quibble over the use of the term but affects the ways in which we understand cities in CEE. Namely, post-socialism as a de-territorialised concept allows these cities to be like any other as complex entities (see Section 1.1) and be analysed via a variety of tools, while at the same time paying attention to historical and regional specificities. Even though a logical step as a response to the critique of regionally-based imaginations, such as post-socialism, might be to dispense with the term altogether (which considering the negative meaning that post-socialism has acquired among inhabitants of CEE would be supported by many), this approach would neglect the spatially relational and temporally hybrid conditions of societies and cities where post-socialism still has both descriptive and analytical value. In this sense, ‘post-socialism’ can be brought into analysis in various ways, two of which will be particularly relevant to the current study: continuity of governmental technologies and spaces; and a form of anti-continuity that, in a desire to be different is implicated through inscriptions of the past acting as a ‘constitutive outside’.

Continuity. Examples of continuities of ‘socialist’ reality are to be found in the material environment (Soviet housing estates, factories), in social practices (some informal tactics), governing technologies (some legal documents) and sentiments (social conservatism, some understandings of social justice). It is indeed true that many of these will not be present forever—buildings are demolished and refurbished, sentiments

change—but as long as they are present they interact with other practices and spaces. Continuity is thus much more complex than the mere prolonging of a former reality. A particular form of continuity is nostalgia which might be a feeling towards something that existed in the Soviet time but has ceased to exist now—the examples include consumer products and often everyday reflections on the Soviet social safety nets (such as full employment and almost zero-cost housing)—or might involve attitudes towards something that has persisted and received high valuation among some of the public, examples of which include buildings and other built forms that might be loved by (some of) the community (see, e.g., Colomb, 2007). Continuity in this sense means a hybridity of the city in the same way as the understanding of post-socialism as a condition. However, for the perspective of post-socialism as a de-territorialised concept, post-socialism does not account for the hybridity of a society or a city in its entirety, but rather it characterises merely one or other aspect or aspects of that context. As hybridity is a condition for every city and society, continuities of post-socialisms might be found anywhere, although not necessarily in the same form and intensity. Post-socialism as a concept would include post-socialisms anywhere in the world, similar to the perspective of 'condition'. Compared to the 'post-socialist condition', however, the de-territorialised concept does not focus on the 'global-1989' condition but rather on the particular aspects that have connections to 'actually existing socialism'; such as the exported Soviet architecture (Stanek, 2012).

Anti-continuity. Change with no reference to 'socialism' shall not be defined as 'post-socialism'. But if the change has direct connection to 'socialism' through processes of anti-continuity, then it can well be discussed in relation to the thematic of post-socialism. One of the primary examples of such anti-continuities includes the economic and political changes whereby the Soviet practices were considered antagonistic to how a liberal and democratic society should function. Urban research has nevertheless been relatively silent in highlighting anti-continuity among many of the changes. Typically, change and the emergence of new practices is stressed; such as market-led urban planning away from the state-led planning (Axenov et al., 2006; Leetmaa et al., 2009). While she does not use the term 'anti-continuity' and is more focused on change, Hirt (2012) elaborates on the reactions towards socialist reality with her discussion on 'privatism'. Such discussions could be taken further in urban research with less importance attached to the break itself but on the calculations and motives to work towards the change. In the case of anti-continuity, 'references to the socialist past

become an inherent part of the story of the city as it is told now' (Ferenčuhová, 2009, p. 291) and not merely as 'nostalgia'.

Moving away from post-socialism as a condition and thinking about it as a de-territorialised concept allows researchers to avoid always discussing post-socialism in relation to multiple places in CEE, wherein there will always be some similarities but also crucial differences. While there are many similarities between places described as 'post-socialist'—such as the socialist era characteristics of high urban density, large-scale presence of housing estates (Urban, 2012), industrialised development and prevalence of public transit, as well as post-1991 forms of suburbanisation, commercialisation and deindustrialisation—it cannot be argued that a singular post-socialist city form exists. Post-socialism as a concept can be delimited in relation to local processes, which can then be linked up with how other researchers have discussed their cases, and what references to post-socialism they have managed to highlight.

4.4.1 Continuities and anti-continuities of Tallinn

Tallinn is hybrid as the 'post-socialism as condition' perspective drew out, but hybridity itself is not 'post-socialist'. Rather Tallinn should be allowed to be 'ordinary' and not circumscribed by the regional category (of post-socialism) while still not being blind to its post-socialisms.

There is a wide-variety of continuities visible in Tallinn, the most prominent of which are buildings, particularly the Soviet era housing estates on the edges of the city (see more Chapter 8). The architectural form of housing estates is moreover not only 'socialist' but has multiple links all over the world, with ideas such as 'neighbourhood unit' and realised projects in Brasilia and elsewhere (discussed in Chapter 8). But the mere continuing presence of these physical forms after 1991 is also not enough to note their importance; the question is also how their past and present existence affects other aspects of the city. Pre-1991 Tallinn had a socio-spatial landscape of housing that was almost the reverse of the capitalist city model: in Tallinn, as well as other cities with similar history and development, the single-family houses at the outskirts of the city were places for people from lower social class, compared to the socially mixed housing estates that provided many living amenities missed in the single-family homes (Leetmaa et al., 2009). Such residential patterns have not changed overnight, with housing estates still home to people from mixed social backgrounds. The socialist summer-homes at the

outskirts of the city, moreover, have provided an opportunity for transformation to permanent homes and thus for suburbanisation (Leetmaa et al., 2009; Leetmaa et al., 2012). We could therefore talk about post-socialist housing patterns, which refer both to the particular processes under socialism producing the built form and to their continuing presence today with associated effects on more recent processes.

Similar but more hidden continuities can be delimited in the governmental practices, such as the persistence of building codes, which in many senses order the ways in which officials see urban space. Such continuities could be termed post-socialist governing practices and might provide particular strengths to the government, whereas in other similar situations in which the government has had to deal with new phenomena, such strength is missing. An example will be explored in Chapter 7 concerning the ways in which Tallinn governs car parking, whereby the city has strong socialist era governing techniques on hand to deal with parking provision in new constructions, whilst lacking those when the question regards most of the newly emerged privately owned publicly accessible parking lots. The former manifests something that was already seen as being in need of governing in the Soviet Union, with building codes delimiting the amount of parking that should be provided (of course, the numbers have since increased with the almost tripled individual car ownership); meanwhile the latter is a new situation in which the question of whether or not private activity should be governed at all is not yet resolved. 'Post-socialism' in these examples does not refer to continuity as something in need of change, but highlights a reality with some of its roots in the histories of 'actually existing socialism'.

Nevertheless, in addition to continuities and changes that have linked Tallinn to processes all over the world, there are a variety of changes that are anti-continuities. In fact, I would argue that it is impossible to understand Tallinn without considering the relations that apparently entirely new developments have with what existed before. Some of the changes were made in order to depart from the past, showing the importance of considering what existed before in order to understand what takes place today. For instance, the rapid increase of car ownership took place as soon as barriers put forward by the Soviet state (such as requirement of permission to buy new car) were removed, thereby satisfying a desire that had long been denied in socialist consumer societies (Siegelbaum, 2008). Similar anti-continuities exist in urban planning where the rights of private owners to decide on the use of their land plots (instead of municipality

officials) is perceived to be a normal practice by several urban planning actors, who stress the significance of departing from the reality in the Soviet era. The most important legal document—the Constitution—that influences contemporary legal debates on private property rights was devised at the start of 1990s in a clear endeavour to depart from the Soviet system.

The Constitution and the way it is deliberated upon in courts—both in Estonia and in other countries in CEE—shows a particular form of longing for freedom, as well as further curtailment of the state (Albi, 2010). The Constitution in Estonia was devised from 1991 to 1992 in an emotional atmosphere where citizens were looking for ways to distance themselves from the Soviet era (Estonian Constitutional Assembly, 1991/1992). The Constitutional Assembly discussed individual rights thoroughly, placing the right to use property in a strong position in the Constitution. Over the following years, when the Constitution was put into practice, a leading constitutional review institution expressed its yearning to distance Estonia from the Soviet administrative state and move towards a more democratic legal state (Truuväli, 1994). In this thinking, the municipality's deliberation—which Mariana Valverde (2012, p. 72) sees as 'the strength of the municipal paternalist tradition' in her treatise of Vancouver—was downplayed, and the need to properly interpret and follow laws was positioned in a prominent position, thus also curtailing the ways in which a local authority could and would govern compared to the situation in many other countries. Such legal protection by the Chancellor of Justice aimed to achieve rights for individual freedom *contra* state actions. In this context, we see that an anti-Soviet desire for freedom resulted in what Foucault (2008) described as 'state-phobia'. Foucault notes 'state-phobia' in post-WWII neo-liberal thinking. 'State-phobia' refers, then, to an intense negative feeling towards state action whereby in 'general disqualification by the worst' (ibid., p. 188) all sorts of state actions—even if only bureaucratic or welfare state—can result in comparisons with fascist state in Foucault's example, and with Soviet state in the case of this thesis. These associations attract an indiscriminate critique of state involvement in governing people's lives. Such sentiments in relation to individual car use are explored more thoroughly in Chapter 6. Changing practices of governing that favoured individual actors and market relations (Leetmaa et al., 2009; Ruoppila, 2007), was therefore not just a change but also a counter-continuity. Thus, while various changes can be discerned in the context of Tallinn, a line of connection to 'actually existing socialism' also emerges, adding analytical potential for understanding

what takes place in the city and society through post-socialism as a de-territorialised concept.

4.5 Chapter conclusion: seeing 'post-socialism' as a de-territorialised concept

I have argued that despite the visible shortcoming the post-socialist cities framework does not need rejecting, but rather re-thinking and re-conceptualising. Instead of assigning a simplistic definition to the adjective 'post-socialist'—understanding a post-socialist city as simply 'a city in post-1989/1991 CEE region'—this term should be more carefully and productively applied. Theoretical reflections on the conceptualisation of post-socialism would be clarified by making an observer ask what he or she is referring to when using the term. This questioning itself makes the term appear more tentative and open for debate than its use as a descriptive device would suggest.

Drawing inspiration from the recent developments of urban theory towards comparative urbanism—which has searched for means to move away from the vision of a world divided into incommensurable territorial entities), along with examining ways to make cities 'off the map' relevant for theorising—the chapter introduced three ways in which post-socialism has and could be perceived: as a container, as a condition and as a de-territorialised concept. The *container* framework observes 'post-socialism' as a term bounding developments in the post-1989/1991 CEE region. The framework termed here as *condition*, opens the container up analytically by observing various temporal and spatial relations which constitute post-socialism as a variety of hybridised characteristics of societies and cities. The *de-territorialised concept* framework draws on a similar analytical perception of temporal and spatial relations as the condition framework does, but defines post-socialism not as a characteristic of the totality of a city/society but as a characteristic of particular phenomena and processes. The key claim elaborated upon in the chapter was thus that even though much critique has been levelled towards the container vision, seeing post-socialism as a condition still takes the adjective 'post-socialist' as a meta-narrative with suggestions of a temporality fixed within a specific period and regional focus (a post-1991 CEE) maintained. There are, moreover, dangers for urban studies embedded in adapting regional imaginations. Even though they can form the basis of a challenge to the existing Euro-American approaches of urban theorising, they may still lead to new hegemonies, whereby large cities in Asia

or elsewhere in the global South are the prominent research sites, and cities in CEE would remain doubly-excluded: being neither part of the centre of urban studies nor the main sites of critique. Therefore, in order to move towards a more global urban studies, post-socialism ought rather to be transformed into a de-territorialised concept that applies to certain aspects in the city and to certain social processes, not to the city or society as a whole. All cities should be allowed to be 'ordinary' with only certain details or processes of them captured by the adjective 'post-socialist'. Post-socialism seen as a concept to be put to work more generally in the thinking of ordinary cities would be less dominating for researchers working in the cities of CEE region, while still remaining present. In this way, cities usually seen as post-socialist would be liberated from their territorial trap but at the same time, with the reworked notion of post-socialism, their 'post-socialist' particularities can still be analytically drawn out.

In order to understand post-socialism conceptually, I would suggest four steps for researchers studying cities. Firstly, they should see every city as 'ordinary' complex entities (as elaborated in Section 1.1) without centring on certain regional or developmental imaginations. Secondly, they should identify or analyse only particular aspects of cities as post-socialist (or Asian, global, post-Apartheid, etc.)[13]. Thirdly, in order to see post-socialism as the characteristic feature of some aspect of urbanity, there should be possibilities to track a connection with 'socialism' which, fourthly, could emerge in various ways: in the form of continuity in practices, governmental technologies or spaces that include nostalgia; or, in a form of anti-continuity, which in a desire to be different is implicated through setting the past as a 'constitutive outside'. The city of Tallinn would thus not be characterised through the meta-narrative of 'post-socialism' simply because the city is in the region of post-1989/1991 CEE, or because it is under the condition of post-socialist hybridity and spatial relationality. Instead, Tallinn is an ordinary complex city composed of a multiplicity of social and material relations with some aspects—such as urban fabric, governmental practices and valuation of property rights—characterised as 'post-socialist' because they evidence continuities or anti-continuities. The specific relevance of the notion of 'post-socialism' for Tallinn will emerge more fully through the following empirical chapters.

[13] I would encourage similar critical reflections as that in this paper offered also towards other spatial and/or temporal demarcations.

5 Methodological considerations: the parking issues studied and methods used

In this chapter, I will reflect on the decisions made for empirical analysis. I carried out fieldwork in Tallinn from January 2012 to July 2012 when I collected most of the material. I also had subsequent short field visits in September 2012, April 2013 and August 2013 when I gathered information on topics that emerged as important in the process of analysis and writing. In what follows, I will, firstly, discuss my own position in relation to the city studied in the dissertation as I have lived in the city prior to the research while being also born and raised in the country under study. Secondly, I will discuss what sources and procedures of analysis I used.

5.1 Researcher positionality

While Tallinn offers a case for reflecting on governing procedures due to its history as a city in the Soviet Union and its development processes afterwards (as outlined in Chapter 1), it is also a city with which I have previous experience. This somewhat eased my access to resources and people as well as helped in focusing on issues that were significant in the city. Nevertheless, as I had not worked on transport politics before, many new contacts had to be forged. For instance, I helped to form a network of transport researchers and activists that has been helpful in learning about issues dealt within the dissertation. Such networks allowed insights into previously unpublished investigations by researchers and activists in Tallinn. This was the case, for instance, with the study on parking business that I deal in Chapter 7. Similarly, the contacts in the network drew my attention to some of the documents that I use in Chapter 8. This dissertation could draw on those insights provided by others but, starting from a more theoretical perspective, had also to go deeper in the investigation. Thus, the previous experience certainly benefitted the empirical investigation. Nevertheless, it also leads to some concerns about my positionality, which I would like to reflect upon here.

First of all, my close contact with the 'field' raises questions on whether my critical perspective could have been hindered by personal connections to those under investigation. However, the respondents with whom I carried out the expert interviews were mainly those I did not know before starting the doctorate and as I am not only an insider but also an outsider (Sultana, 2007), spending most of my time away from

Estonia, the contacts have remained somewhat limited. Secondly, as my activity in Tallinn was not only to collect data but also involved intervention through writing in media or engaging in debates with city officials, the roles of researcher and activist have become intermingled. I have increasingly taken up the role as a criticiser of car-centric planning of Tallinn and as an advocate for a more pedestrian-friendly urban environment.

Partly, the doctoral research project has been driven by my interest in achieving a more sustainable and livable city environment in Tallinn. These targets have been furthered through my engagement with the Estonian Urban Lab—a non-profit and non-governmental organisation that since 2006 has advocated for a more participatory, inclusive, just and livable urban space. Although my position within the group has been somewhat on the fringe and mainly as a researcher and a thinker, the active interventionist attitude has had an influence on the ways I approach cities. Thus, in 2014, I was involved in the formation of an informal network of experts and activists interested in the pedestrian's rights for urban mobility. This group—known as the Pedestrian Association—has started to function as a platform to raise public awareness about urban mobility issues, including those regarding space consumption by parked cars.

Many transport researchers in Estonia and elsewhere tend to be advocators for more sustainable transport modes at the same time as they are researchers. So, for instance, a major book on car parking issues by Donald Shoup (2005), who is an influential professor on urban and transport planning, is written with a desire to change the ways in which car parking is understood by urban planners and wider audience alike. His book does not only work as an analysis but also as a vehicle for advocating decreased provision of parking or introducing market prices into car parking regulations. Although Estonian transport researchers are not so widely influential in their advocacy as Shoup has been, they often communicate their message to the country's media or seek change on their regular course of work by convincing decision-makers. Working with media has been my main tool for making the message on why and how to achieve sustainable and livable cities heard. I have written newspaper opinion articles as well as been invited to comment on the radio and in television. Activist engagements are however not only for achieving change but can also support research acitivities. These activist engagements have helped me in developing more balanced and thought through

arguments as these arguments have to be convincing not only for the academic community—that already thinks in a broadly similar manner—but to the diverse and often car-supporting public. Moreover, seeking change in the ways things are done in Tallinn has also allowed me to access some of the information by researchers and activists, which otherwise would have hardly been accessible for a regular academic.

However, such two roles as a researcher and activist can also lead to possible role-conflicts. I encountered such an instance in May, 2014, when with a group of activists we met with the city officials, two of whom I had interviewed for my dissertation before, in order to criticise the city's plan to redesign a pedestrian crossing[14]. Nevertheless, such situations are difficult to avoid as it is not easy to separate the roles of a citizen interested in improving the city he/she lives in and the role of a researcher who aims to understand the place as a case study area. Moreover, such separation also becomes arbitrary if the researcher aims to give something back to the site under study. Thus, my engagement in the city of Tallinn has been and is more than just that of carrying out fieldwork.

During interviews respondents were often interested to hear back from the work carried out, sometimes also asking about the ways in which things are done in the UK. However, as some of my findings as well as the experience of other cities are not supportive for the actions that city officials in Tallinn are doing, not all of this feedback to respondents will end up being affirmative of their actions. The nature of interviews as well as the relationship with the respondents turns out to be different in expert interviews than in regular semi-structured interviews. While in regular interview situations, the researcher often appears in the power-position, in expert interviews the one with power is usually the respondent.

5.2 Comments on the methods used

Being interested in material governmentalities, the project focussed on the governmental rationales regarding various materialities. Such interest in rationales led me to the information contained in a range of governing documents and the ways in which this information was understood and rationalised by those who carry out

[14] The issue we were discussing in May, 2014 was also different from the topic of the dissertation but relevant for the future research interests as outlined in Section 9.3.

governing. While the voice of the public entered this research through resources such as media reports, interviews with heads of flat-owners' associations and to a certain degree also court decisions discussed in Chapter 6, it did so to a lesser extent than that of governors. The focus on governing also meant a particular focus in terms of the kind of data used.

In terms of data used, the research thus relied mainly on textual sources than observations. This includes court decisions, stenographs of the parliamentary (Riigikogu) and Constitutional Assembly meetings, media reports, archival materials (urban plans) and expert interviews (see the list of respondents in Appendix A). State institutions—at least in the so-called developed countries as Estonia—usually function through or with the help of policy and legal documents as well as other minor governing texts. Interviews that I carried out during the fieldwork are additional to that material and allow to complement and qualify information stated in these governing documents. Additionally, such textual accounts are in this dissertation accompanied by a series of photos in the urban environment and two walk/ride-along ethnographies with parking controllers which were helpful in framing the study but which formed less important sources for the analysis presented in the thesis. Photos and walks were the most important for Chapter 8 where they allowed a reflection on the ways in which the urban space in housing estates has been altered by cars.

5.2.1 Studying material governmentality through texts

Textual materials had different roles in the research. First, media reports and interviews allowed for a reconstruction of events that I could not possibly have attended (as they took place before my fieldwork). Newspaper reports, passages in interviews as well as the court cases provided a basis from which to construct a picture of what took place, including who were the actors involved and what decisions were made in what order. Second, texts provided an insight into the discourses of governors (the texts fulfilling this role included mainly media reports and interviews but also stenographs of parliamentary meetings and court decisions). In Chapter 6, for instance, the sentiments towards freedom and state emerged in the words of the Chancellor of Justice, MPs or journalists writing opinion pieces to newspapers. Thirdly, rather than only showing discourses, texts also act themselves. Some texts (legal documents, laws, government policies and plans) or parts of them are brought into being to do something in the regulatory framework (Prior, 2003). Thus, I attended to some of the texts as

performative devices. Fourthly, materialities are interpreted and discussed in texts such as governmental documents, laws or interview transcripts. Analysing those texts provides an insight into the agency of things. The latter point however needs more explanation as texts are regularly interpreted as discourses, while materialities seem to be antagonistic to discourses with their affective forces inviting research techniques such as observation and ethnographies.

Although studying materiality through texts rather than direct observation might be an unexpected approach, it has in fact been commonly applied in research. The researches inspired by science and technology studies as well as by actor-network theory have looked at the historical development of technologies such as bicycles, bakelites and bulbs (Bijker, 1995), microbes in the scientific practice of Louis Pasteur (Latour, 1993 [1984]) or a particular transport system (Latour, 1996 [1993]) whereby the research necessarily had to rely on other sources than direct observation or participatory ethnography, as aspects investigated happened before the researcher stepped in. Thus, the most prominent sources for such historical investigations are texts including those of archival recordings and media reports. Another inspiration here is the study by Bent Flyvbjerg (1998) who analysed the politics of the urban mobility plan in Aalborg, Denmark. Even though he was not directly interested in materiality and not explicitly drawing on ANT and STS, he was attentive to the multiple artefacts that he investigated by drawing research data from interviews and media reports. Thus, the argument here is that while texts might evoke the interest in discourse, they also provide a window into the world of artefacts. The materiality of the textual actor—such as the physical existence of the paper (Darling, 2014)—is itself an actor but texts also matter regarding the ways in which material actors are described and interpreted in the text. Texts in this thesis thus reveal the role of materiality by drawing attention to the complexity of regulating cars in urban environment and politics of wheel clamping in Chapter 6, the surface material that allows parking providers to escape the local state in Chapter 7 and the influence to governing procedures that the Soviet housing estate's physical plan provided in Chapter 8.

Being more reliant on the textual material than direct observations was thus in this research considered a reasonable way to learn about the rationales of governing considering the historical character of large parts of the investigation, the importance of

governing documents in Estonia and the actions (also in the material world) that documents not only describe but also prescribe.

5.2.2 Notes on expert interviews

The interviews in this thesis are 'expert interviews'. In its main characteristics, an expert interview is like any other semi-structured interview involving conversation between an interviewer and an interviewee on the topic analysed in the research. But what differentiates expert interviews is that 'the interviewees are of less interest as a (whole) person than their capacities as experts for a certain field of activity' (Flick, 2009, p. 165). Hence, Flick warns that questions of directing the interview arise in the case of expert interview more commonly than in the case of other types of interviews, resulting in the requirement that the interviewer is well informed on the topic under study. It is advisable, then, that the researcher has familiarised herself/himself with the relevant documents produced previously by the institutions the expert is working at to use these as guides for making questions and to also probe the interviewer to explain further if he/she says something diverging from what was put down in the document. Still, as it appeared in my fieldwork, experts are willing to give suggestions as to what documents the researcher should look at. Nevertheless, I agree, that good preparation on documents and also in media reports gave me a position to ask more focused and challenging questions from interviewees. Expert interviews, therefore, can on the one hand give information on a topic where the information is hard to acquire from other sources and this way they also complement other methods; on the other hand, they give a reflection on practices and knowledge of those involved in positions to make decisions or direct policies.

In general, I approached each interviewee with a different aim and a different set of questions. Being experts, they were specialists in certain fields, whether it included traffic law, Tallinn's parking policies or urban planning. There was thus no reason to expect all of them to answer the same questions even though there were also sets of interviews that followed a similar structure. For chapters 7 and 8, I interviewed multiple people with a similar set of questions, although the questions were still somewhat revised depending on the particular interview: three real estate developers and three parking business for Chapter 7 (interviews no. 42, 43, 45 and no. 41, 46, 47 In Appendix A) and six heads of flat-owners associations for Chapter 8 (interviews no. 29–33, 35 and 39 in Appendix A). One respondent—an official whose job is to deal

with regulations of parking enforcement—I interviewed three times (interview no. 1, 13 and 16) in relation to different questions emerging during the fieldwork. I also met informally with an official who coordinates parking policy in the city multiple times, but these conversations are not counted as interviews in Appendices even though I recorded the discussion afterwards in my fieldwork notebook. Some interviews also emerged in progress of others: for instance, the head of the city traffic department (interview no. 20) introduced me to other employees with whom I subsequently carried out interviews.

All interviews (except interview no. 38) were carried out in Estonian. Interviews were recorded (apart from six interviews where respondents asked not to) and subsequently transcribed. Direct quotes from interviews in chapter 6 to 8 are my translations.

5.2.3 Legal proceedings as research data

I utilised data from legal specialists on various occasions. These included mainly the Supreme Court decisions but also some decisions made by the Chancellor of Justice. I would have also used the decisions made by courts in the first two levels (from three in total) but such material has a behaviour that even a researcher cannot tame. Namely, as those decisions do not have a value of legal precedent, they are deleted from the archive in a regular occurrence (7 years). Of course, nothing disappears just by itself, being instead deleted by someone in some time, which could make those documents still available for an adventurous researcher. Nevertheless, locating those documents was not the aim in itself for this dissertation. Unlike decisions by lower level courts, those by the Supreme Court are considered to matter forever and are hence stored permanently. As they offer an official interpretation of laws, the Constitution or some aspect of life, the Supreme Court decisions are themselves actors in the legal framework.

For this reason I analysed the corpus of Supreme Court decisions on matters related to parking. With the decisions available in the internet database for everyone, I utilised its search engine to locate approximately thirty decisions where parking was mentioned (in Estonian ‘parkimine’). This corpus helped me to map the legal process of parking regulations in Chapter 6. The nature of court decisions is such that a certain passage of the lengthy decisions could become to matter in the legal apparatus. This was the case, for instance, with a decision regarding wheel clamping in 1994 (Supreme Court of Estonia, 1994b) discussed more thoroughly in Section 6.4. Some of the passages,

however, have merely shown the thinking of some of the judges without becoming influential for later decisions. Thus, the Supreme Court decisions had to be brought together with other discussions regarding parking regulations. This support was provided both by reading the deliberations of the Chancellor of Justice and the discussions and debates that were carried out in the parliamentary meetings. From stenographic records of parliamentary meetings, I mapped the whole corpus of discussions that concerned the Parking Act and its later amendments.

5.2.4 Archival explorations

Archives were important for the research in a number of instances. Firstly, they provided more detailed information on legal debates in Chapter 6. Secondly, I used archives to study urban plans from the socialist times in Chapter 8. Furthermore, some of the material I collected through personal sets of more or less organised archives of documents.

For investigations on parking regulations (Chapter 6), I looked through not only the data already made available online, but also the archived notes on the Supreme Court meetings (from 1994) and notes on the process of law-making in the archive of *Riigikogu* (The Parliament of Estonia). The former gave a closer look into the court meetings that discussed the constitutionality of Tallinn's practice of wheel clamping. These notes summarised the statements made during the court sessions. Nevertheless, such material was again only available in the case of most fundamental Supreme Court decisions and it was also relatively superficial as they were just notes made by a referent rather than full transcripts. The latter—law-making process in the archive of the *Riigikogu*—showed some of the pieces left out of the Parliament's stenographs: amendments proposed by Members of the Parliament, results of the voting and drafts of the law. All in all, archival material in this chapter (Chapter 6) was only complementary to the laws and stenographic records stored in the internet database.

In Chapter 8, I use the archival material to investigate the urban plans devised during the Soviet years. The plan of *Mustamäe* is divided between various archive documents with those questions I was interested—that is, street plans—only visible in the general plans for each of the micro-district separately (of which there are eleven) and not shown in the analysable way in the Mustamäe General Plan. I focused on the plans of *Microrayon no. 4* that I picked because it is neither one of the oldest nor the newest, and

I also lived in the area for a short period. I investigated both the initial design from 1964 and also subsequent revisions and additions (from 1985, for instance). In order to check the generalisibility of the data for *Microrayon no. 4* to Mustamäe, I also consulted plans of *Microrayon no. 2* and *5*.

There were also two instances during fieldwork when I was provided with 'archives' formed of more or less systematic collection of different documents by interviewees. The first of those was a collection of all sorts of different municipal parking regulations—including, for instance, the very first Tallinn's parking regulations from 1993—collected by a transport expert (Interview no. 15). Another such 'archive' was a collection of newspaper reports about parking matters gathered over the period of 15 years from 1996 to 2010 and stored in a binder by a municipality official (Interview no. 1). Even though this was not a complete set of newspaper articles and was done less meticulously in the later years, it provided a good source for learning about events of parking regulations which a municipal official found relevant for his work. In addition to this form of media archive, I formed my own one through database searches.

5.2.5 The corpus of media reports

Newspaper reports were an important source of information for the study. I started the search of newspaper stories from the year 1990. Until issues from mid-1994, that search had to be carried out by going through newspapers from cover to cover in libraries. From 1994 onwards I could use a web-based database[15] and search using keywords. As car parking is hardly an issue that makes itself to the headlines—being mostly a subject for news stories that simply describe what governors are going to do—the web-based search engine significantly simplified locating relevant texts. Using the keyword of 'parking' (*parkimine*, in Estonian[16]) the database showed 1224 responses from 1993 to 2012. Rather than a full corpus of material to be worked through (by content analysis, for instance), the list of articles provided a point of reflection to make sure that I do not miss key moments and to locate articles around moments I was interested in. To have such a large list of articles dealing with parking gave me the reference point to assess the importance of the cases selected for the dissertation. While many of the articles in the list are not cited in the bibliography of the thesis (as it contains only those directly

[15] http://ise.elnet.ee/ (last accessed in 30 August 2014)

[16] More precisely I used the word 'parkim*'.

referred to in the chapters), reading articles from the list also provided some general information for the analysis.

The analysed newspaper articles can be divided into four categories all of which were useful for the dissertation in one way or another. First, there are those that simply replicated what the city had forwarded to the news outlet. Second, there are those that were written by an actor in the field of parking (a city official, representative or parking business, etc). Interviews carried out with an expert are also in this category. Third, the analysed newspaper stories also included those written by journalists who had carried out original investigation or were responding to someone's request. I also made an interview with one journalist who had written about parking (as well as other traffic issues) for many years and was particularly active in the early 1990s (Interview no. 14). Fourth, there are opinion pieces by newspapers themselves. These stories, even though they still were written by individual journalists, provided a general viewpoint of the newspaper. Such opinions of leading newspapers could be interpreted not only one person's opinion but as a viewpoint symptomatic of the time (see, for instance, in Section 6.5).

5.3 Chapter conclusion

These various sources of information helped to put together the narrative in the three empirical chapters that I will turn to next. While this chapter outlined the material investigated in general, I refer to particular sources in each chapter separately. I see those references, rather than the discussion in this chapter, as the main hook for a reader to allow deconstructing and possibly reconstructing the narrative of the dissertation.

6 Law enforcement in paid parking: contradictions of legal, administrative and material in the urban governance

6.1 Introduction

This chapter unpacks the complexity of what might seem to be a straightforward matter: law enforcement in the case of car parking. Drawing on the debates regarding the paid parking enforcement in Estonia taking place from 1993 till 2002, the chapter brings together concerns of material governmentality—the governing of urban materiality and legal deliberations of urban governance framed around freedom—in relation to post-socialism elaborated as a de-territorialised concept. The chapter deals with the importance of the directive diagram (and police power) in governing at the local level that was unpacked in Section 3.2. However, while this chapter provides some support to these claims, it also tames the more radical claim of paternal local governing outside the liberal state logic proposed by Valverde (2012). As this chapter shows, local states are curtailed from deciding on their own how to solve local issues. Namely, their actions come against the legal logic possessed by constitutional institutions and the parliament (*Riigikogu*, as the Parliament of Estonia is called). The chapter shows how legal actors in Estonia eventually accepted that the material nature of the city necessitates the actions described by the directive diagram, but such acceptance came only after significant debates and has been framed in quite complex legal maneuvering.

When the city of Tallinn introduced a paid parking system in 1993 in order to regulate the use of cars in the city centre and to earn money for the city budget, nobody knew it was going to be such a complex matter. By the time a stabilisation in the regulatory procedures was achieved in the beginning of 2003, there had been numerous Supreme Court decisions, interventions by the Chancellor of Justice, parliamentary meetings, law changes and even a whole new law made and subsequently considered unconstitutional. The investigation of court rulings and parliamentary meetings, coupled with media reports and interviews shows the contradictory character of urban government. Various rationalities are at play in the urban governing, including legal, administrative and material, with each pulling the particular issue of parking management in slightly different direction.

Due to particular historical processes in Estonia, the debates about governing deal with different concerns compared to, for instance, Valverde's (2012) treatise of law in Canada. In Estonia, the Soviet past was a constant point of reflection. Thus, constructing a state apparatus that relates to its citizens in a different way than the Soviet system did was a particularly pertinent concern for law-makers and legal practitioners and a strong feature regarding the politics of 'anti-continuity'. With the car defined legally as 'property' and property viewed a category with particular importance for a society shifting from state-ownership to the domination of private ownership, constitutional interpretations perceived automobiles as elements with such an importance that local state regulations had to be curtailed or re-conceptualised. For these reasons I start the discussion (Section 6.2) with the Constitution devised in a special Assembly brought together for only this task over a six months period in 1991 and 1992. The new constitutional document became the basis for the construction and re-construction of the once again independent country. The Constitution formed the master document that legal texts as well as all sorts of state decisions subsequently have to be in accordance with. In many ways, the Constitution embodies the critical anxieties of the time when it was made and has helped to solidify the central importance of individual freedom *contra* state power. Once drafted, the Constitution is a powerful non-human actor in its own right carrying its ideas of anti-continuity through framings of property and other citizens' rights into constitutional debates.

Following the discussion on the Constitution, the chapter moves to introduce two principal methods of paid parking enforcement in Section 6.3: wheel clamping and parking fines. The following part of the chapter discusses two episodes in the process of constitutional debates regarding parking enforcement in Estonia. Section 6.4, thus, deals with the (un)constitutionality of wheel clamping bringing in questions regarding anti-continuity in relation to the judicial sentiments towards governing by a local state (and the importance of property). Section 6.5 moves to the debates commencing wheel clamping discussions and reflects on the judicial reasoning that while critical of local state power still had to enforce municipal capacities to regulate. This eventual decision to endorse and support local state directive power was due to the material conditions of car parking. Section 6.6 is an epilogue to the two episodes studied in the previous sections and outlines the parking governing condition that emerged after the earlier debates were settled. Section 6.7 summarises the chapter.

6.2 The Constitution of Estonia and freedom

> [F]ree nation relies on free individual (Maruste, 1997, p. 60; my translation)

> The Constitution has to be the book of the books and the law of the laws (Rask, 2012; my translation)

Legal frameworks are pervasive elements in modern liberal societies. However, as they often do not assume a prominent position in social and geographical studies, their effects are not considered significant, or alternatively, are regarded to belong to the field of competence singularly reserved for legal scholars and not other social scientists. Nevertheless, a body of scholarship exists which argues that the legal, social and spatial should be seen as enmeshed (Delaney et al., 2001) so that the law is understood as both constituting and constituted by the social: hence, thinking legally and thinking socially are not two different enterprises (Cotterrell, 1998). Both legal geographies developed by Nicholas Blomley and others (Blomley et al., 2001; Martin et al., 2010) and socio-legal studies (Cotterrell, 1998; Valverde, 2009; also Bourdieu, 1987) provide starting points to take jurisprudence seriously from a sociological point of view. Yet, considering the law from a sociological perspective does not—and should not—mean neglecting what lawyers and legal documents precisely prescribe (Bourdieu, 1987). Even though law is in various ways criss-crossed by other spheres of society, similarly to science (as ANT and STS argue) it cannot simply be translated to those fields. Law 'constitutes' aspects of social life, 'shapes' and 'reinforces' ways in which social reality is understood (Cotterrell, 1998, p. 182). The law and society hence constitute each other.

The most important legal document in Estonia as well as in other constitutional countries is the Constitution. In the assemblage of multiple actors in the state apparatus, the Constitution is one of the most significant actors that is even capable of 'restricting legislators' freedom to rule in law-making' (Maruste, 1997, p. 153). However, its power is not merely its own but has been programmed into it and supported by various other actors. That the Constitution was made to be powerful is shown by the practice of its construction. The decision to set up the Constitutional Assembly with the sole responsibility to devise the new Constitution was accomplished with the same parliamentary decision that declared the independence of Estonia on 20 August 1991 (Supreme Soviet of Estonian SSR, 1991). After 30 general meetings and numerous meetings in committees over the period from September 1991 till April 1992, with some comments from international experts, the Constitution was finally voted for in the

national referendum thus forming the official basis for the legislative, executive and judiciary institutions of the nascent country.

On the one hand, the Constitution is a technical document prescribing how the state apparatus should be formed and how it should function. On the other hand, its practical functioning cannot be perceived separately from the values that have been embedded into it. The head of the Estonian Parliament and later president Arnold Rüütel declared in the opening speech of the Constitutional Assembly (Estonian Constitutional Assembly, 1991; my translation) that '[t]he norms of the Constitution must grow out from the real life of Estonia and we cannot mechanically copy foreign experience or build merely on abstract scientific schemes.' The Minister of Justice and later prominent lawyer Jüri Raidla expressed in the same assembly meeting (Estonian Constitutional Assembly, 1991; my translation) the need for 'the order of society that has been centred on state institutions … to be exchanged for an individual-centred order of society' where 'a citizen and a personality is positioned at the centre of social relations.' He added that in order to move in that direction, the structure of the Constitution 'is not a secondary question; it relates most directly to the content of the Constitution, also to those political choices and tendencies that are programmed into the Constitution.' 'The structure,' as he continues

> must give preliminary guidelines to where the weights of freedom of every individual, citizen and the whole population are in the constitution. It directs a reader to search and find the principles of the separation of state powers and balances of the state power. It also demonstrates to the reader the constitutional aim of moving towards the legal state [*õigusriik*] where the citizen must be protected from everyone and everything, including the state. Thus, also the structure of the constitution must assure society's ideals of freedom and offer firm protection to democracy in whatever situation.

The section entitled 'Fundamental Rights, Freedoms and Duties' is indeed the bulkiest section of the Constitution. As legal scholars have argued, the document explicitly favours individual freedom referring to the rights and freedoms of citizens in most of the articles while explicitly hardly mentioning duties (Alexy, 2001). The only duties mentioned include those of being loyal to the constitutional order, observing the rights of other people, the duty to look after other family members and to not use private property against public interests. The array of freedoms, however, is extensive ranging from self-realisation to the more particular rights to freely use property, move inside the

country and to outside, express opinions and to congregate for that purpose. The Report by the Constitutional Expert Commission (1998; my translation) assessed that '[a]n individual has a limitless sphere of freedom assured by the Constitution' which the '[s]tate power is allowed to limit … only when it is able to justify the measure.' Thus, the state is positioned in a secondary position to the individual. According to Ernits (2011, p. 153), the Constitution is—and shall be interpreted as—asymmetric towards individual freedoms. As an Estonian legal scholar asserts, individual freedom can be defended by following only the Constitution whereas all state regulations need to be inscribed in laws and do not result directly from the Constitution (Ernits, 2011). In line with such preference given to individual freedom over state capacities most of the rights are, moreover, restrictions on the state rather than demands on the state to fulfil a social function; they are negative rights rather than positive rights (such as the positive right for housing that some constitutions include). The Constitution aims to keep the executive powers of the state at bay. It is thus a prominent source of legal logic positioned against the administrative logic of the directive diagram of cities.

I will next reflect on the question of individual 'rights' and the problematisation of public interests in relation to constitutional debates concerning property.

6.2.1 Property and constitutional rights

> Everyone has the right to freely possess, use, and dispose of his or her property. Restrictions shall be provided by law. Property shall not be used contrary to the public interest. (The Constitution of the Republic of Estonia, n.d., Article 32)

Article 32 of the Constitution, cited above, expresses the right for the enjoyment of property as well as referring to certain justifications of the restrictions on its use. Despite the limitations the article proclaims, the constitutional right to property has always been prominently framed both in the making of the Constitution and in its later utilisation in court cases. For instance, in the meetings of the Constitutional Assembly the head of the redaction committee, Liia Hänni, expressed how it would be necessary to 'find a wording that much more strongly than the existing wording would make it possible to claim that the property right is protected in Estonia, that property is sacred and untouchable' (Estonian Constitutional Assembly, 1992a; my translation) as 'in the current situation property is a very fundamental question in the Estonian society' (Estonian Constitutional Assembly, 1992b; my translation).

Property, moreover, was a prominent issue throughout the political and economic transformation of Estonia. Thus, even before the Constitutional Assembly had its first meeting in September 1991, the Principles of Ownership Reform Act were agreed on and ratified by the legislative council—the Supreme Soviet—of the Estonian Soviet Socialist Republic[17]. The Act declared its fundamental purpose 'to restructure ownership relations in order to ensure the inviolability of property and free enterprise, to undo the injustices caused by violation of the right of ownership and to create the preconditions for the transfer to a market economy' (Riigikogu, 1991, Article 2). The property nationalised by the Soviet Union was to be returned, compensated for or transferred to the former owners or their descendants. Although the Act was concerned primarily with land and real estate—which will be discussed more in Chapter 8—it manifests the sentiment of the importance of private property that was rendered into a fundamental constitutional principle and enacted in various forms of property including that of the car.

However, the question as to what is 'property' does not have a straightforward answer. Defining something as property, as will be discussed in what follows in the chapter, sets this entity in relation to constitutionally defended rights. According to the Commented Publication of the Constitution, property includes land, real estate and productive forces but also various assets and money such as pension (Madise et al., 2012). Most commonly though, the entities seen as property are 'bodied artefact[s]' which could be both immobile (such as buildings) and mobile (such as cars) (ibid.). Yet even in these cases, the question of how far the freedom to use said property stretches remains unanswered. Already in the Constitutional Assembly it was acknowledged that one should not 'deviate to the other extreme' and 'fetishise private property' (Liia Hänni in Estonian Constitutional Assembly, 1992b; my translation). For this reason, the third sentence of the Article 32 regarding the right to use property—'Property shall not be used contrary to the public interest'—was added at the last minute. The Commented Publication of the Constitution acknowledges those questions also in relation to private owned automobiles (Madise et al., 2012, p. 393; my translation):

> If Article 32 would cover all uses of a thing then a very large number of restrictions on fundamental rights could be considered infringements on the

[17] Although then already named the Republic of Estonia, with the Constitution not yet ratified, the main institutions remained the same in the structure.

> fundamental right to property. For instance, one could consider an infringement of the fundamental right to property the instance when traffic police stop a vehicle in the street because with that police restrict the use of a vehicle. Yet, the legality of stopping a vehicle is not controlled in relation to the fundamental rights to property. Enlarging the area of protection by the fundamental right to property that far is possible by linguistic interpretation but is dubious considering the relatively complex clauses of the Article 32.

Although the limits of property use are pointed out in the Constitution and by legal specialists, whenever a particular entity is linked with the constitutional rights to property it becomes a matter of freedom. This means that even if state-introduced restrictions on property are eventually considered justified, the reasoning by the Supreme Court must take into account the freedom that individuals are presumed to have for the use of their belongings.

To comprehend the workings of the Constitution, however, it is not enough to consider its own properties; other actors that give it power also need to be taken into account. This is despite the assertion by an influential legal thinker in Estonia that 'the Consitution protects itself' (Raidla, 2013; my translation), as the institutions and procedures for its operation need to be provided. Yet despite being not 'textual actors', the institutions that support the Constitution were coded into the Constitution itself. The Constitution comes equipped with the actors that should defend it. It says that certain actors have to exist and as characteristic to 'speech acts', when the Constitution (as a legal document) says something, this thing must happen (Bourdieu, 1987). Still, the actors need to be enacted and must start to perform.

6.2.2 Actors protecting constitutional rights

Even though everyone has to follow the Constitution in their actions and deliberations, its protection is explicitly ascribed to three institutions: the President, the Supreme Court and the Chancellor of Justice. The President acts as a continuous check on the legislative power controlling the constitutionality of the laws they have issued (and ratifies the ones that he/she accepts)[18]. The similar capacity is also in the hands of the Chancellor of Justice, but this person/institution can also make decisions on the already

[18] In the following I will discuss the two institutions that will play an important role in this chapter—the Supreme Court and the Chancellor of Justice—and leave the President out of the discussion. This is also done for the reason that President has many other functions than merely constitutional overview.

ratified laws. However, if these institutions want to make their words matter, they have to be given amplification though the Supreme Court.

The first actor—and the most important one—in defending the Constitution, the Supreme Court, is not just the highest legal authority in the country but is also an institution whose decisions represent the most important interpretation of the country's laws. These interpretations are not just thoughts or representations but set the meaning of a particular issue for future debates. The Supreme Court is the only level of the Estonian legal system whose decisions matter for a significant period (possibly forever) and are routinely referred to in lower courts. Therefore, if something is debated in the Supreme Court, it is possible to argue that the decision about this issue in Estonia is now achieved (at least what concerns its legal implications). Although law in practice is enacted in various ways that might not correspond to the official understandings (Marusek, 2012), the Supreme Court could not be simply ignored, especially by those in the state apparatus. It is thus highly significant that debates about parking have reached that court level. Parking a car in a place where it is not allowed or not paying for the parking might seem to be straightforward matters: if the vehicle has not followed the rules (and that is not difficult to ascertain) then a penalty is levied on the driver. However, parking regulations have not appeared as such simple matters and the questions of how to punish, who is allowed to do so, how to punish the right subject have been asked throughout the post-Soviet years in Tallinn.

The second actor, the Chancellor of Justice, is an influential state institution[19] that functions as a constitutional reviewer of the state's decisions, being also an Estonian form of Ombudsman to whom an individual may turn when s/he feels that her/his rights are violated by some state authorities, as is the situation in the case discussed in what follows in the chapter. The state apparatus thus has an inbuilt friction between institutions, some of which—such as the Chancellor of Justice—could side with demands of particular citizens and initiate the ruling out of decisions by other state institutions. Even laws made in the Parliament could be considered unconstitutional by the Chancellor of Justice. However, the Chancellor becomes a powerful actor only through its alliance with the Supreme Court that in the case of contradiction with other

[19] The institution with such a name and function exists only in three countries (Estonia, Sweden and Finland). Nevertheless, similar functions are carried out by different institutions in most of the other democratic countries.

state authorities (for instance, a City Council or the Parliament) could support (or then not support) the Chancellor's interpretation of constitutionality. It is not only the formal structure or the external actors that it assembles that matter, but the capacity of the Chancellor of Justice also depends on who acts as the person of the Chancellor. Even though the Chancellor of Justice is an institution with multiple employees just like the Supreme Court, its driving force is a person called 'the Chancellor of Justice' who is not merely reactive like courts in general but proactive in setting agendas to issues that in his/her opinion need to be solved. The Chancellor who will figure in this chapter (Eerik-Juhan Truuväli), for instance, is known for having fought against the Soviet legacies in the state apparatus (Rask, 2012).

These actors—the textual actor of the Constitution and two institutional actors (the Supreme Court and the Chancellor of Justice)—mainly exhibit the legal rationality that is set against the administrative rationale of the local government in the following treatise of parking regulations.

6.3 Methods of enforcement in paid parking systems

An urban life contains various particular concerns about how the city should be ordered (such as fire safety or waste management) amongst which are problems posed by the management of traffic. The Constitution cannot simply solve practical questions as it merely distributes rights and duties. Other institutions must then intervene to address these practical concerns of governing; active in the issues discussed in this chapter were particularly the national parliament (*Riigikogu*), the Government of the Republic of Estonia and the local government. The Parliament seeks to solve particular concerns of the society via laws, the Government by issuing policies and managing certain social areas in the ministries, and the local government—with the executive and legislative function more intermixed than at the state level—by managing particular questions of the social order. Those state authorities do not work smoothly together as they exhibit diverging understandings of what should be regulated and in what way. All of them, moreover, can contradict the primarily legal rationality exhibited by the two constitutional actors introduced in the previous section (the Supreme Court and the Chancellor of Justice) along with the non-human actor of the Constitution active in their deliberation.

As Tallinn city centre began to be gradually overtaken by the increased use of automobiles in the 1990s, local government, influenced by the lobbying work of environmentalist groups, introduced paid parking on public streets in March of 1993[20]. Paid parking is used all over the world to manage parking spaces in places with high demand but limited supply, that is, particularly in the city centre. The paid parking is also a revenue source for the city government, while the revenue might then be used to develop more sustainable mobilities. Paid parking thus became a prominent measure for traffic regulation and also a revenue stream for the city whose finances were curtailed in post-Soviet years. Nevertheless, compliance with the measure is not straightforward as many drivers might decline or fail to pay. Various principal actors who organised the paid parking did not expect that drivers would comply with the new rules but drivers did and duly started to pay for the service[21]. The 'working' of the paid parking, however, was not only a factor of drivers' willingness to pay but was supplemented with enforcement.

In essence there exist two procedures (see Figure 6.1) for finding and penalising anyone who does not pay for parking (see Cullinane and Polak, 1992)[22]. The most common of them relies on parking wardens[23] walking on the city streets, noting down cars that violate regulations, and fining the 'aberrants'. The second system relies on locking the wheels of a car with a clamp until the driver (or owner or someone else) pays the penalty in order to open the clamp and reclaim the car. Invented and patented in Denver, Colorado USA[24] in 1958 by a person named Frank Marugg, the wheel clamp offers a simple device for regulation to address the fact that a parking fine has to deal with a number of complications depicted in Figure 6.1. Specifically, a fine posted on a car is not sufficient to officially notify the transgressor of regulations (sometimes the fine indeed might fly away in wind or be 'stolen' by a hooligan): it needs to be sent to someone. However, the person it is sent to might not live at the official address. It is

[20] Interview no. 8 (16 February 2012) and Interview no. 10 (20 February 2012).

[21] According to research interviews (Spring 2012).

[22] The third one, towing, while it may be in some instances used in a paid parking system, it is still mainly restricted to cars blocking traffic.

[23] Some cities (such as Amsterdam) also utilise scan-cars that drive around the streets scanning with cameras vehicle number plates making sure who has paid and who not.

[24] Hence its American name: Denver Boot.

also not self-evident that sending the fine to the vehicle owner, as the only person whose name and address are available for the enforcement officer, would amount to a lawful presumption of liability as someone else might have been driving. Furthermore, what happens if the fine is not paid? Are there other procedures to secure the execution of the fine or can a person simply not pay it? A wheel clamp, indeed, sidesteps all these concerns by reducing the matter of fine and its payment to a concern solved on the city street.

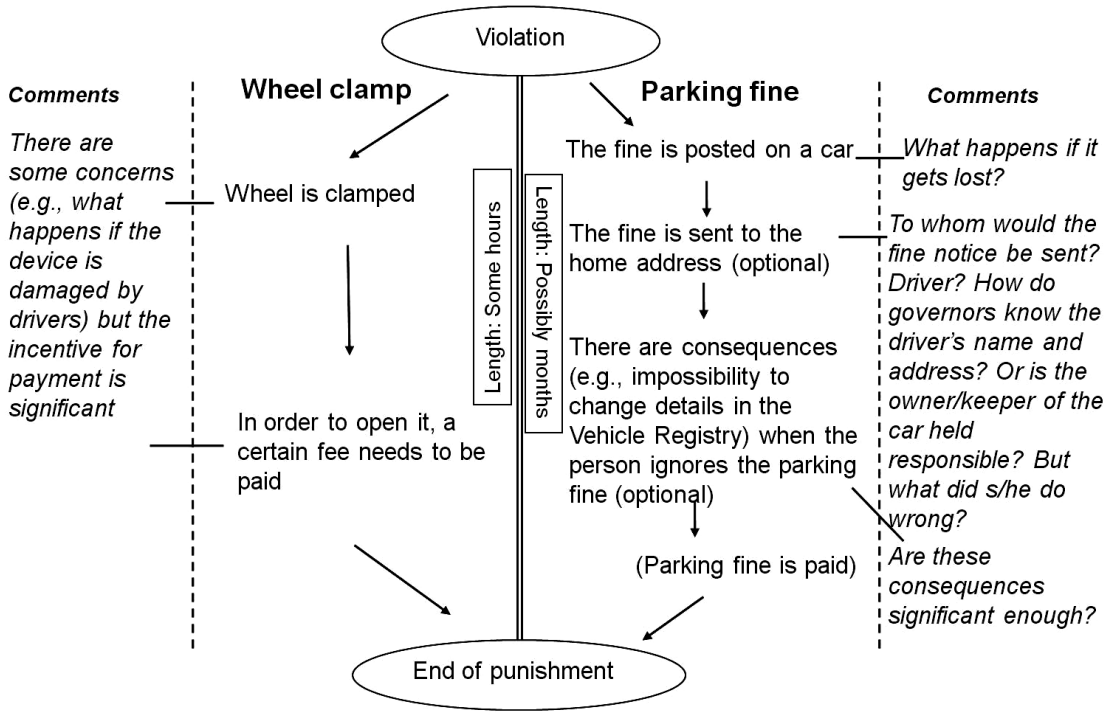

Figure 6.1. The comparison of two systems of parking enforcement (parking fine and wheel clamp).

However, *because* of its effectiveness in assuring the working of the punishment[25], the wheel clamp is highly restrictive for a driver. This has led to opposition in Estonia but has also caused outrage in other countries. In England and Wales[26], for instance, although private parking operators have used wheel clamps for more than two decades, this has been made illegal under The Protection of Freedom Act since 2012. For state

[25] The effectiveness of wheel clamp was also suggested by Estonian transport experts in research interviews.

[26] In Scotland, under different legal interpretations than England and Wales, the clamping on private land has been considered illegal for decades.

authorities, though, clamping still remains legal: a situation that is the reverse to the Estonian case as will be explained in Episode 1 below (see outline of episodes in Figure 6.2). However, fines that are 'durable' can also be sources of protest. In England and Wales, in order for the wheel clamp to be illegalised, a revised system of parking charges was developed. The *Automobile Association* which lobbied for restrictions on clamping activity, for instance, notes (AA, 2012) that '[f]rom 1 October 2012 there is nothing to stop cowboy clampers turning into unscrupulous and heavy handed issuers of parking "tickets".' A parking ticket, hence, can be as much a source of objection as a wheel clamp. Moreover, the UK legislation gave private companies access to the *Driver and Vehicle Licensing Agency* (DVLA) data and allowed them to charge the car keeper with paying for the Parking Charge Notice. This legalisation of charging the keeper of a vehicle has raised questions among some (activist) drivers (for instance, the *National Motorists Action Group*). Episode 2 described in this chapter will discuss concerns of making a parking fine work in Estonia.

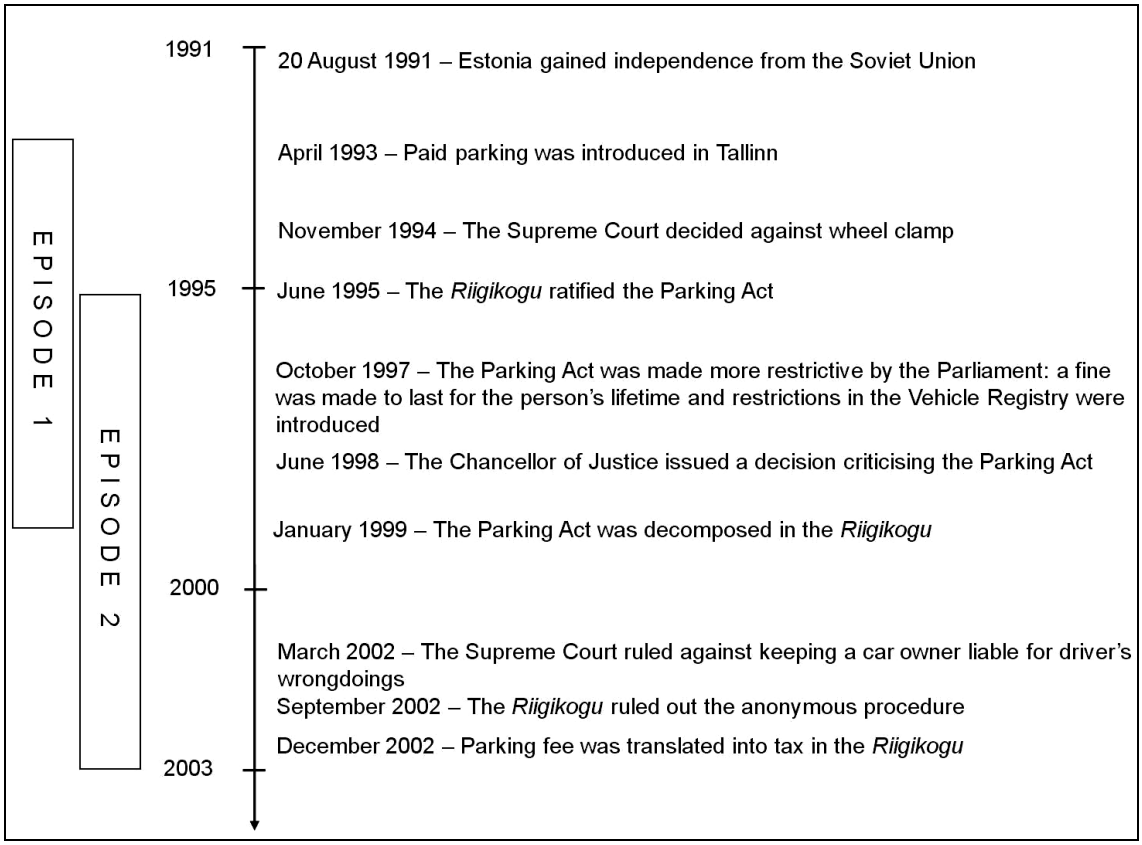

Figure 6.2. The timeline of important events in episodes one and two discussed in the chapter regarding legal debates of paid parking enforcement. (*Riigikogu* is the official name of the Estonian Parliament)

In what follows, I will discuss the evolution of parking penalties through two episodes (summarised in Figure 6.2). The first episode concerns the initial implementation of paid parking when wheel clamps were used as the principal way of enforcement—a measure that was eventually rendered unconstitutional. The second episode discusses Tallinn's paid parking system mainly in the post-clamping context. Even though these episodes are structured temporally and thematically in the discussion that follows, the temporal and conceptual borders between them are somewhat arbitrary as the episodes overlap.

6.4 Episode 1: The unconstitutionality of wheel clamping

Before Tallinn's parking regulations lengthened to become an extensive document with sixteen articles divided into a number of sub-articles and sub-sub-articles written in legally sophisticated language, they comprised only nine plainly stated requirements on one A4-sized page. This document prescribed merely one measure in case of non-compliance—a wheel clamp. The wheel clamp, however, became contested in 1994 and was made completely illegal in 1999. In 1994, the Chancellor of Justice sent a critical letter to the Supreme Court to claim the unconstitutionality of wheel clamps. This led the Court to deliberate on the device resulting in a short but significant judgment with implications for later decisions (Ernits, 2008). The main conclusion of the Court order read that wheel clamping was in violation to the article

> § 32(2) of the Constitution, which gives every person the right to freely possess, use and dispose of his or her property, whereas restrictions to this right should be established by law. § 154(1) of the Constitution prescribes that all local issues shall be resolved and managed by local governments, which shall operate independently pursuant to law. To allow for a wheel of a car, which has been parked improperly or without a valid ticket, to be locked, constitutes restriction of ownership but also means resolving local issues. At the same time there is no Act giving local governments the right to prescribe for the use of such means. The Tallinn City Council has, without any legal ground, established a possibility to lock a wheel of a car, which has been parked without a valid parking ticket or improperly, thus restricting the use of property (a car). (Supreme Court of Estonia, 1994b; official and original translation)

In the court proceedings (Supreme Court of Estonia, 1994a; my translation) a city representative took a diverging view and pointed out the complications that freedom of drivers might cause. He claimed that 'all rights and freedoms are interlinked. The City

Council has a duty to stand for all rights and freedoms. By protecting the rights of some, we inevitably restrain the rights of others.' That is, by allowing some to violate parking regulations, others would not be able to find a space for car parking. The only way to ensure compliance in the time when the legal framework was still haphazard was a wheel clamp. As a city representative in 1994 explained (Supreme Court of Estonia, 1994a; my translation): 'In this society considering our specificities it is the only option.' Even though the judges did rule out the use of such a governmental device in this particular court case this did not mean the outlawing of paid parking itself. The response of the city and the *Riigikogu* was to devise a new legal document that would authorise the governing of paid parking. The subsequent Parking Act was in force from 1995 until 1999 and made wheel clamping legal; after 1999 it was entirely outlawed from the state apparatus in Estonia.

6.4.1 The birth and demise of a textual actor: The Parking Act

Making a law was a simple response by governors: wheel clamping appeared unconstitutional as there were no words in legal regulations allowing it, so the logic went, such words should be included in a new law. The logic assumed that it was not ideas or intents that were missing but the right words in the right places. It is not simply 'meaning' or 'representation' that is of concern here but specific legal words that could invoke associations (that wheel clamping is legal) and allow actions to be carried out (to clamp a car). Here, I would like to discuss more this textual actor—the Parking Act (Riigikogu, 1995a)—which could alter the power relations in the state. I will first take a look at the process of its making by pointing out how tentative and weak even a potentially powerful actor is in the course of construction, followed by, then, a discussion of its working in practice which raised questions of its effectiveness.

The Parking Act (Riigikogu, 1995a) was not made by involving widespread social debates but neither was it made as simply a backdoor political process by certain political forces. It was rather a technocratic law, made to solve a particular problem—illegality of wheel clamping—although the idea that such a law would be necessary in general, was expressed already before. 'There was a problem and a law was needed', explained one of the Act's authors to me[27]. The law entered into parliamentary discussions in early 1995 and was finally ratified in the second half of 1995, being

[27] Interview no. 9 (17 February 2012)

subject to heated debates in the number of discussions that it went through in the Parliament. The main line of questions that were raised regarded the treatment of car drivers by the law. Some of the MPs claimed this document to be too focused on punishment and not concerned enough with protecting citizens. In general, the law got a frosty reception in the parliament which, according to my interview with the Head of Transport Department during that time, was to be expected[28]: 'In the Parliament, as everyone was a car driver, mostly, everybody knew exactly how the life looks from car. There was a lot of polemics but it passed. It was astonishing at that time but it passed.' At one moment, the law escaped being rejected by the Parliament by just one vote.

Several MPs raised concerns during the parliamentary meetings where the law was discussed that the Parking Act supports regulators (such as law enforcers and city officials) at the expense of drivers. The particular concern was the balance between the regulator's rights and drivers' rights. According to those MPs, laws should not merely be on the side of regulators but should also provide different rights to individuals. This claim is interesting considering that the Constitution itself protects individual rights and so should the institutions that interpret the Constitution. There is thus an inbuilt imbalance in the Constitution, and the imbalance favours the individual. The asymmetry could be shifted with the use of laws as, for instance, the Article 32 expresses in relation to property: 'Restrictions shall be provided by law.' According to the MPs debating the parking issues, however, the law should not be used to balance the imbalance. Even though the Parking Act was agreed upon at this stage, the fact that it aligned more with regulators and with the administrative logic (rather than the legal logic), continued to haunt it and contributed to its eventual demise.

Whereas the Tallinn city ordinance suggested that the whole enforcement system should be based on clamping, referring to it as a way of exposing (and penalising) the car user or 'owner' (which was in brackets in the document, as if it has the same meaning), the Parking Act introduced a more complex system of fine making. There were only a very limited number of situations in which clamping was to be used: principally, it was conceived of as a tool in the cases whereby towing was too complicated. MPs showed their aversion towards wheel clamping throughout discussions in the Parliament seeing it as reflecting a 'perverted understanding of justice in society' or perceiving wheel

[28] Interview no. 17 (28 March 2012)

clamp as a ‘barbarian device’ (Riigikogu, 1995b). To make fines for parking violations viable, the system of owner responsibility was created. The Act expressed thus that when the actual user of a car is not caught, the fine needs to be paid by a car owner (§ 3[1]):

> According to this law, the driver is prosecuted in case of parking rules violations. If the driver could not be ascertained, then the responsibility lies with the owner of the vehicle. (Riigikogu, 1995a; my translation)

In this way, the aim was to make the control system work outside of the physical urban space and rely on the state apparatus of a car ownership register, municipality officials behind the desks, and court system (see Figure 6.1). This would be a modern and also liberal, that is to say a not-too-intrusive, enforcement system. If a car user failed to pay for fifteen days, then the owner received a written statement that required him/her to pay. And if s/he also failed to pay then, the ticket became subject to court procedures. Relying on court procedures for enforcing the regulation, however, meant slow process and as every fine was valid only up to three months, it meant an eventual ineffectiveness of the regulation. An MP who was responsible for making amendments to the Parking Act thus noted in the parliamentary proceeding:

> Those who know the law leave the fine unpaid. This is the reality at the moment because there is no mechanism that secures the functioning of the law. Half of those who are fined pay the fine, another half don’t. Several millions [of kroons] will not be received. (Riigikogu, 1997; my translation)

Once a law is made, it itself might not be a stable document but can shift and morph. A period for ‘working in’ was considered necessary for the law to gain some ‘actual application’ (Riigikogu, 1996, MP Kalev Kukk). However, it appeared during the ‘working in’ process that the Parking Act would still not be effective enough for parking regulations. Two changes were made to the Act in 1997 which, although making it more potent for the time being, initiated its complete abolition a year later. These changes were as follows: making parking fines valid for a person’s lifetime[29] and restricting certain procedures in the Vehicle Registry, such as forbidding the change of the registered owner in the case of selling the car until the fine was paid. All these

[29] It is interesting that they picked lifetime, instead of a year or two years or something else. However, considering that person could just avoid paying fine at all, any period for the cancellation of it could be seen as problematic.

restrictions amounted to too harsh infringement on freedoms and a year later the Chancellor of Justice put together a highly critical assessment of the Parking Act.

Here we arrive at another moment after the 1994 decision by the Supreme Court regarding wheel clamping (Supreme Court of Estonia, 1994b) when different state authorities come into contradiction. Whereas Local Council's powers had been scrapped by the Constitution four years earlier during constitutional critique of wheel clamping, now parliamentary judgements were also assessed through the Constitution and found to have exceeded their possible strength in the Parking Act in seeking to enable the collection of fines. Despite being ratified by the Parliament and functioning alongside with other laws, The Parking Act, then, did not seem to be such a powerful textual actor. The power of another textual actor—the Constitution—was instead evident. In this way a text that was a perfectly normal 'law' for a certain time period suddenly appeared not to be a law at all. In a tautological assertion, the law became an illegal legal entity.

The illegality of law

The Chancellor of Justice's argumentation is a good example of how legal logic does not understand administrative logic. In his argumentation against the Parking Act in 1998 (Chancellor of Justice, 1998; my translations) he does not pay attention to the actual practices of law enforcement but focuses squarely on abstract understandings of the law itself. The Chancellor of Justice started his advice by stating that laws which ascribe responsibilities and rights that are not explicitly stated in the Constitution must still be following the spirit of the Constitution and be 'in accordance with the principles of human dignity and social and democratic *õigusriik* [which could be translated as 'legal state' or alternatively also 'rule of law'; the German concept of Rechtsstaat is closest in meaning]'. Even though the cited principles are nowhere defined in his document or any other legal document, it did not restrict him from making his judgements. The Chancellor of Justice, furthermore, substantiated his critique with Article 11 from the Constitution, which states that 'rights and freedoms could be restricted only in accordance with the constitution.' These 'restrictions', however, 'must be necessary in a democratic society and must not distort the essence of restricted rights and freedoms.' He then goes on to define more precisely which rights are restricted by

the Parking Act, leading him to eventually declare certain aspects of it to be unconstitutional.

The Chancellor of Justice took principles from the Constitution—such as the right for free self-realisation (Constitution Article 19([1]), the right to freely choose an area of activity, profession and place of work (Article 29[1]), the protection of property rights (Article 32[2]) and the protection of dwelling, real or personal property to be forcibly entered or searched (Article 33)—as his starting points to dismantle the car parking regulations. As noted above, the Parking Act attempted to introduce owner liability for parking violations. The Chancellor of Justice, however, deliberated:

> According to the Parking Act § 3(1) the responsibility in case of parking violation relies on the vehicle owner if the driver could not be ascertained at the place where the violation occurred. This provision allows to hold the owner liable when the fault (intentionality, incautiousness) is missing, which is not in accordance with the principle of *õigusriik* [my italics] fixed in the Constitution Article 10. … [A]dministrative liability in case of no-fault behaviour is an arbitrariness of state power. (Chancellor of Justice, 1998; my translation)

The Chancellor further criticises that measures to determine the actual violator are not defined in the Act, which for him equated an unconstitutional situation. The Chancellor of Justice continues his critique: 'With restrictions improper to democratic *õigusriik* the law-maker [the parliament] admits the incapability of executive powers [local government] to carry out its tasks in regulating parking, ascertaining the violators of parking rules and holding them responsible.' The Chancellor of Justice seems to have forgotten here that the capabilities of executive powers rely on the legal framework. Laws cannot merely be yardsticks for deliberation but must also perform enabling options for governing actions. If the legal framework does not provide possibilities for a local government to regulate, then executive power is not able to organise parking, determine the violators and hold them responsible. The law, thus, contains in addition to the legal logic also elements of the administrative logic targeted to regulating matters.

The Chancellor of Justice in his critique, however, has highlighted only the legal logic. While he is in this opinion critical of the incapacities of the local government, he has himself previously limited these capabilities and led to the situation whereby it is impossible to ascertain the responsible violator. Wheel clamps, for instance, that he strongly criticised four years earlier, would have allowed retaining the car on the spot

until a person (who most probably would be the driver) comes to free it. Thus, the violator could have been found out this way. However, the Chancellor of Justice again directed his critique towards wheel clamping by, first, claiming it to be a double punishment as a fine was made alongside the immobility of a vehicle and, second, by following a logic according to which the wheel clamp could not fit into Estonian society at all:

> [the Parking Act accords the] return of the vehicle and freeing of the wheels … only when the fine is paid. Therefore a person is punished in a situation where the possessing, using, and disposing of his/her property is possible only through serving the penalty. Such a situation distorts the essence of the right assured by the constitution's Article 32(2) [right to use property] and is hence not in accordance with the constitution's Article 11 [rights can be restricted only in accordance with the Constitution]. (Chancellor of Justice, 1998; my translation)

It is impossible to imagine a wheel clamp that would allow using the car even if the fine is not paid. A wheel clamp is precisely meant to enforce a person to pay the fine, after which the device would be removed.

After receiving the recommendations by the Chancellor of Justice, the *Riigikogu* had twenty days to edit the legal act in consideration so that it would become to be in accordance with the Constitution. A meeting was thus held about the Parking Act by a parliamentary commission on 24 September 1998. Instead of merely targeting particular articles in the Act, the whole Parking Act was disassembled with some of its articles moved to other acts and some—such as the wheel clamping—removed altogether from the corpus of the law.

In the interviews I carried out in 2011 some of the respondents expressed criticism of this abolition of wheel clamping. A former head of Tallinn Transport Department (in 1994), for instance, noted ironically[30]: 'If the driver is not caught on the spot then it was thought that there is no need to fine at all.' An established transport expert also expressed his support for wheel clamping devices[31]: 'I think that wheel clamping is the simplest, most banal and effective measure actually.' Indeed, in a draft Parking Development Plan for years 2006–14 transport experts even suggested to bring it back,

[30] Interview no. 5 (12 April 2011)

[31] Interview no. 3 (6 April 2011)

which nevertheless, did not materialise in the actual political process[32]. In an obscure, but telling twist, in recent years some private companies have started to experiment with wheel clamping on private land (Lamp and Neeme, 2012; Tamm, 2010). What was removed from the law was a right to clamp for state officials, but nobody has said anything about what can happen on private land and as we see in the next chapter (Chapter 7), private land is seen as a different space with a different set of rules. A car parking without paying on the private land reduces possibility for profit and could be interpreted as a violation of parking provider's private interests[33]. The discussion here has thus shown how the target of the Constitutional critique is the state, while private actors are allowed to carry out similar activities on privately owned land. We now need to consider the meaning of 'property' and how this category functions in relation to cars in order to understand these contradictions of the legal logic exhibited by the Chancellor of Justice and the Supreme Court and the administrative logic primarily possessed by the local government.

6.4.2 Powers in the state apparatus re-ordered by the category of 'property': the argument for post-socialism

Both the Supreme Court as well as the Chancellor of Justice attached a legal category of property to the car. The car thus entered into a different sphere of regulation than traffic engineers in Estonia could understand at the time or afterwards. In that way we can observe how various state institutions see things differently: where constitutional authorities deliberate through individual rights—such as the right to use property—administrative authorities are more interested in solving particular problems. The invocation of private property mattered in two ways in the re-ordering of powers inside the state apparatus.

First, by evoking property, the citizen in relation to a car—a car-citizen (see Section 3.3)—became a state-level issue of citizen rights. Regulations of parking that took place on the local government level, hence, appeared as violations against the idea of the free citizen. By its definition the wheel clamp restricts the use of a car: it materially blocks wheels so that the car cannot leave unless the wheel clamp is unlocked. Such blocking of the use of an individual vehicle amounted in the court's interpretation to an

[32] Interview no. 1 (4 April 2011)

[33] Interview no. 2 (5 April 2011)

unconstitutional situation. The court asserted that private property is a constitutionally defended 'object' which cannot be governed merely according to local government deliberation but needs a clear basis in state level documents—namely in Acts made in the *Riigikogu*. As the use of wheel clamps by either police or municipal employees was not prescribed by any such Act, the municipality violated the Constitution when they 'legalised' clamping through their own ordinance (a by-law). In the US legal system, this logic would mean that due to being defined as property, cars do not fall under the capacity of 'police power' possessed by local states as discussed in Section 3.2.

Second, attaching the category of private property to cars brings in the notion of freedom. Private property evokes freedom to use the object. Even though state actions are necessary to restrict other individuals from using the entity (that is, steal it), the use of property also entails limits to the state. In Estonia, the Article 32 of the Constitution provides everyone with 'the right to freely possess, use, and dispose of his or her property.' Even though the same article provides possibilities to limit this right pursuant to law and by following principles of the 'public interest', the limitations themselves must be in accordance with the Constitution (Ernits, 2011). The Constitution, however, is skewed towards individual rights as discussed in Section 6.2. Therefore, and as the Chancellor of Justice's argumentation in the case study above particularly shows, constitutional reasoning provides rights to citizens in opposition to the regulatory actions of the state's executive power. The rights of car-citizens were considered principal to the extent that some policies of the local government were rendered invalid. Even though the enforcement of the law in order to restrain other individuals to use or damage the property is expected from the state, reference to private property allows drivers and owners enjoy the capability to keep some of the unwanted state actions at bay.

These inner contradictions in the state evoked by defining something as property links historical concerns of 'freedom', state power and ownership to the management of parking. In Chapter 4, I introduced the aspiration to re-consider post-socialism as a de-territorialised concept. Post-socialism as a de-territorialised concept applies to specific details or aspects rather than the whole 'condition' of a society. In principle, a strong investment in freedom is not specific to a post-socialist area nor is it specific to a particular post-socialist condition. The same applies for various concerns about the use of excessive state powers. Moreover, not every country in the supposedly post-socialist

region has the same concerns as in Estonia: in Latvia and Czech Republic, for instance, wheel clamping takes place. With the use of post-socialism, however, the aim here is different than to argue for the internal commonality of a post-socialist region or its uniqueness in comparison to other parts of the world. Instead, I argue that there is a local and specific post-socialism in the sense that history and present conditions interact with each other. Here, the past comes to matter as a counter-past—a negation of previous practices which is defined in the thesis as a counter-continuity. As a legal scholar and a former head of the Supreme Court, Rait Maruste (1997, p. 4), expressed, 'the Soviet system was what it was, but ruler-friendly and [rule-]permissive it certainly was.' The new and free Estonia had to be different—one where the individual enjoys more freedom and power and the state, thus, is limited. The danger for the free Estonia was to become again an administrative country instead of a legal one as the Chancellor of Justice claimed. He furthermore argued (Truuväli, 1994; my translation):

> A public servant does not know the law and because he does not know it, he starts to interpret it as he understands it. But this is not the law of the Republic of Estonia anymore but the official's law. This is then followed by a procedure or rule by this official, which generally can only be against the law. There is clearly a tendency of deepening arbitrariness of officials. … The worst is the situation where every public servant is like a small prince who decides the extent, subjects and the like of the use of the law.

Administrative logic should not be the basis for governing according to the Chancellor of Justice (a thinking usually supported also by other actors who defend the Constitution). According to this thinking, governing should be based on the legal logic exhibited by laws and, in particular, the Constitution. By explicitly proclaiming the aim to be the avoidance of Soviet practices, various particular aspects—such as the prioritisation of law and the Constitution in front of administration—become post-socialist in the sense that they are anti-continuity. The way in which the Chancellor of Justice opposed deliberation by an administrator, referring to his/her interpreting the law as a 'small prince' echoes a very different understanding of urban governing than Valverde's (2012) discussion of paternal city authorities (see Section 3.2). In Estonia, the directive diagram of a local government is curtailed as it is not supported by a legal power that places freedom of individuals over their governing.

However, that is not the end of the story. As this section showed, the Parking Act was introduced in order to govern parking violations when problems with previous ways of

regulations emerged. Furthermore, the paid parking in its entirety has not been challenged. There are thus also other rationalities at play in addition to the legal one, such as those which still find ways to argue for the regulations of car parking. The particular one here is the rationality emerging from the materiality of parked cars.

6.5 Episode 2: Owner responsibility and the materiality of car

Episode 2 pushes off from Latour's (1992, p. 229) suggestion that to understand what non-humans do, one needs to think what humans or other non-humans have to do when a particular thing is not there. When the wheel clamp was out of the picture, the activation of paid parking necessitated a scheme that would be as durable as the wheel clamp, only more acceptable from the point of view of citizen rights. Considering that wheel clamps provided a strong incentive for payment as the car was effectively not usable, construction of the durability relying on the apparatus of the state (parking fine) rather than physical devices on the street (wheel clamp) could not be expected to be as simple (see Figure 6.1). Even though fines for parking violations were already introduced to the legal system with the Parking Act in 1995, their functioning had multiple problems within this law. However, when the law was abolished in 1999, a time of uncertainty in terms of regulatory procedures emerged—with the city often failing to receive what it planned from paid parking (Ammas and Peensoo, 2000; Ilves, 1999; Kurm, 2000)—until the system stabilised at the end of 2002.

The debate about parking fine legality was initiated by a legal case shortly after the wheel clamp was considered illegal and removed from the corpus of the law. On 19 July 2000 a particular person *J. K.* parked her Ford in a paid parking zone in Tallinn without paying the fee. A parking controller caught the car and wrote out a parking ticket. Following laws at that time, the city directed the fine to the car owner: which in that case was *Ühisliising AS*—a company that specialised in offering cars on lease[34]. That company, however, decided not to accept the liability for the penalty and argued against the issued fine in court[35]. This case went through two lower level courts and ended up in the Supreme Court which overturned previous decisions and gave victory to the

[34] In Estonia, the word 'lease' is used, both, when the car is purchased (as on a loan) or hired for a certain time. The court case does not explain the particular case but most often it is purchase.

[35] Even though the sum was small, winning in court allowed changing the governmental practice and, hence, benefitting the company in a number of other similar occasions.

company (Supreme Court of Estonia, 2002). In its decision, the Supreme Court argued that all possible efforts need to be made to find out the actual driver (and, hence, the violator of the law) and not presume the guilt of a vehicle owner (who in that case was a car-leasing company). The Court insisted that it is not enough to merely write the vehicle registration number or the name of the vehicle owner on the penalty notice. Instead, a parking fine should contain the name of the person who had wronged. This decision implied that the parking enforcement must work by knowing the actual driver. By the judges' logic, the vehicle owner cannot be the target of the fine even when that person could easily reveal the actual aberrant.

This decision of the Supreme Court was a basis for legal changes. In a parliamentary meeting where the Court decision was discussed after it was made, the Minister of Justice explains that without finding out the actual driver 'it has not been possible to explain guilt, not possible to provide mitigating or aggravating circumstances' (Riigikogu, 2002a; my translation). The governing procedure appeared hence as unjust for the minister. In celebration of the *Riigikogu*'s and the Supreme Court's decision, an editorial piece (Postimees, 2002, my translation) in the biggest daily newspaper claimed: 'A parking controller has to find out who has parked wrongly and to write the ticket to that person.' In the final sentence of the article, the editors claim that 'the acceptance of parking rules is a part of the traffic culture' and that 'the name of each improperly parked person should be added in red letters to the list of wrongdoers.' However, the court, the Parliament and the newspaper all forgot that it was almost impossible for the law enforcement to know who was in the car when it was parked.

As cities lost the opportunity to use anonymous procedures for finding out parking offenders due to the Supreme Court decision and the following actions of the *Riigikogu*, the Tallinn city government invented a detour for some months in 2002, disbanding it only when the eventual legal changes were made. The response by city officials was what Revell (1999) describes as an 'institutional counterpunch', in that case, city governors reacting to legal limitations using whatever tools legal frameworks allow. The measure invented could be conceptualised as a more complex form of wheel clamp. Even though it worked without locking the wheels of cars, cars were detained until the driver paid the fine. Namely, the city added a number of traffic signs allowing towing to be used not only in the case of cars blocking the traffic—which had been the previous use of the particular sign—but also when drivers had not paid for their parking. In this

way, the city followed an administrative logic—particular things needed to be solved, whatever the ideology represented by the legal framework—and caused strong critique from the public and some experts (Rooväli, 2002b). Such exceptional ways of regulating did not cause any sympathy from media or observers inclined towards the legal logic. According to the legal logic, parking offences should not be treated any differently from other car-related offences such as speeding or drink-driving. A police commissar and later a lawyer argued that police have accepted that it is not possible to punish all individuals who drink-drive or speed. In case of parking, then, parking attendants were expected to be like police catching only a limited number of offenders and hoping that this activity will deter people from law violations in general (ibid.).

However, the analogy of driving violations cannot be transposed to the parking offences. Namely, car parking is configured in a way that would not allow the identification of any of the aberrants as policemen do when catching a lawbreaker. In the case of drink-driving or speeding[36] there is a driver in the car when the police stop it; in the case of parking, there is nobody in the car when the controller turns up. The option could be that a controller waits until the driver arrives but that would mean putting each parking officer to wait at each car that violates parking rules in order to issue a parking fine. The waiting period might last hours if not more.

This problematic is old, encountered already by American cities in 1930s (Norton, 2008, p. 156) and was easily visible for the city of Tallinn officials who stated these concerns publicly (for instance, Delfi, 2002; EPL, 2002; Rooväli, 2002a). The Association of Estonian Cities drafted an official letter (Association of Estonian Cities, 2002) to the Parliament pointing out the deficiencies of current regulations and urged for new legal remedies. The letter stated (my translation) that the 'Finnish legal system allows holding a parking violation against the vehicle owner (leaving a parking ticket anonymously on the windshield). But in Estonia, under the flag of *õigusriik* the solution could not be found.' This statement strongly condemned the legal rationality which was detached from the actual practice. One can presume a driver to be guilty in the legal regulation, but in practice there is no way to catch the driver on the scene of the parking offence.

[36] Speed cameras, of course, might seem to offer a counter-point here. Nevertheless, they often take a photo of the driver through the windscreen in order to avoid possible disagreement (especially when speeding tickets are criminal offences).

The only way fines for parking offences could work is by noting down the license plate number and instituting the governmental process following an assumption that the one responsible is the person whose details are in the registry—that is, the vehicle owner (it should be repeated here that this person might not be the same as the driver). So, as the driver cannot be caught on the spot by the warden, the only person officially connected to the car—a vehicle owner—should be considered the one responsible for facing consequences unless he/she provides details of the actual driver. The procedure should commence thus by assuming the responsibility of the fine payment by a vehicle owner. Such a system was, indeed, eventually developed in Estonia, albeit with significant legal manoeuvring.

6.5.1 The 'legal fix': Re-defining parking fee

The legal fix was ratified in the Parliament on 11 December 2002 and put into effect on 30 December 2002. This change was filled with hopes for achieving stability in the parking regulations. The same Minister of Justice who appeared in the previous section, claimed:

> I stress that finally we may achieve that this old theme – parking regulations – will be regulated in consonance with the Constitution. (Minister of Justice in Riigikogu, 2002b; my translation)

This set of changes introduced a whole selection of new features[37] and has stabilised the parking regulations for now. The 'legal fix' relied on an important ontological but also practical change: the legal definition of parking fee as a 'tax'. To understand the question of 'tax' versus 'fee' we, however, should go back to a Supreme Court decision from 2001 which assessed whether a parking fee is a service fee, a tax, or something else altogether. This decision was deliberated on and ultimately made by the involvement of the general colloquium of the court—16 Supreme Court judges in total. It was a spectacular display of legal brainpower in relation to an ordinary urban governing technique which thus did not appear very 'ordinary' at all.

In its decision on 7 December 2001, The Supreme Court (see Supreme Court of Estonia, 2001) reached the conclusion that a parking fee should be seen as a service fee. It could not be defined as a tax because it does not accord to all the characteristics that a tax

[37] Importantly, for instance, 15-minute free parking on all paid parking places

should have resulting from a legal problematic that there does not exist any legal ground (i.e., no words in law) that would give the municipality such a right. So, the court's logic was: as the parking fee exists it could not be a tax because if it would be defined as a tax it could not exist. However, some reasons for seeing payment for parking as a tax are attributable to the fee's features. The Court elaborates (point 32; my translation):

> This is a fee that is levied on the service provided by the city, a fee for the use of public good. The aim of imposing such a fee in the city centre is to reduce traffic, offering a parking service for those who need to drive in the city centre and directing collected fees to the city budget which revenues will be used to improve traffic regulation.

Here, the Supreme Court agrees with the city of Tallinn's elaboration of a 'parking fee' as a regulatory tool. This time the Court seemed to have followed the 'administrative logic', positioning the necessity to govern urban materiality above abstract rights between citizens and the state. There were, however, four dissenting opinions in The Supreme Court, with one of them being signed by three judges bringing the number of dissenting judges to a total of six (from 16). These dissents draw mainly from an understanding that the parking fee is a tax, as it does not offer a service in response to the fee payment. These opinions also criticised the Court's 'administrative logic' accusing the Court of mixing up a legal and an administrative reasoning. One dissenting judge assesses (my translation):

> I cannot agree with the argumentation that the parking fee is not a tax just because it does not accord to all the prescription levied for taxes by the Tax Regulations Act. Extrapolating such thinking would allow levying on people hundreds of different tax duties that are tax from their content but where one of the tax attributes is omitted.

The fourth dissenting opinion backed by three judges also elaborates on the meaning of paid parking (my translation):

> Of course the driver who has paid a parking fee receives from the city a certain benefit – the right to park. However, from the point of view of traffic regulations, this benefit is not dominant in the parking fee. Dominating are taxing elements. I think that [The Supreme Court] general colloquium has over-emphasised the parking benefit given to the driver. I repeat here that more important is that the parking fee enforces driver to avoid parking in the city

> centre and to weigh for how long he would leave his vehicle in the priced parking zone.

The logic of this dissenting opinion clearly separates parking from the sphere of traffic; it positions paid parking as a separate domain from governmental technologies regulating traffic. Paid parking is defined by these judges as a tax that the city government levies and while they see the potential effect on shaping drivers' behaviour, they do not define paid parking as regulating car use in general and thus not as an aspect of traffic (see Section 3.4).

Although they were dissenters in this court case, their logic of parking fee as a tax won over other interpretations in 2002 and 'parking fee' became the eighth local tax in Estonia. In the legal practice, the court's decision did not settle the ontological position of 'parking fee' and with subsequent debates in the Parliament it was still framed as a tax. However, rather than being interested in the meaning of 'parking fee', as the 16 judges were, such decision by the Parliament rested on the necessity of regulation—possessing, thus, a fair degree of administrative logic—with the legal re-framing then a legal fix rather than a principle legal perception.

The solution—a 'legal fix'—became successful because of its ability to re-translate what a parking fee is. According to what Annemarie Mol (1999) called 'ontological politics', there are multiple alternative realities where entities are differently defined, represented and enacted, depending on the relations within which they are located. In the context of paid parking, what used to be a parking 'fee' was re-ordered in the legal apparatus into an object defined as a 'tax'. What used to be a 'fine', then, became a 'delayed payment for tax'. This opened up the capacity of local government to hold vehicle owners liable for fine payment. The Minister of Justice ascertained (Riigikogu, 2002b; my translation) that this legal change might raise concerns about 'what is the difference for a person, whether it is a fine or a tax. The effect on the purse is the same.' However, he draws out the crucial difference:

> [A] fine has a punitive character. In case of a fine the causal connection between action and consequence needs to be ascertained, in other words, the offender

needs to be identified. In the case of the tax we use a different regulation, which means that we can use it also towards the owner, transport device user[38].

With this reordering of the law, the government has identified someone who pays the fine, and if that person is not guilty it is up to the individual to seek reimbursement of the fine from whomever s/he deems responsible for the violation. After the re-translation of governmental objects (fees and fines) the owner liability was transformed from an unconstitutional to a constitutional measure. With that retranslation, the capacity to act to catch those who avoid paying for the paid parking increased tremendously. For instance, procedures by bailiffs who have multiple options—up to arresting personal bank accounts—to receive the 'fine' from the parking violator became possible. Thus, these legal changes have increased the administrative power of cities which the legal actors had challenged before.

6.5.2 Car as a material problem: the argument for 'materialised' governmentality

The governing scene in Estonia shifted from legal curtailing of city's administrative power with restrictions on clamping in 1995 and 1999, and abolition of anonymous enforcement in earlier parts of 2002, to providing significant capacities—such as arresting violator's assets—by the end of the 2002. These shifts in the governmental power bring the car with its materiality to the fore of the analysis. Namely, the legal deliberation cannot neglect the material relations between things in practice. The parking enforcement has to find ways for attaching a guilty driver to the parked car for which, in actual practice, mediation through an owner is the most viable option. Thus, the impossibility of catching the driver on the spot of a rule violation makes it necessary to connect an owner to the car-citizenship, therefore bypassing the normal understanding of a due process of law. It is significant that despite there being many legal challenges to the city's power, paid parking as a system in general was accepted and not challenged. Instead, it was eventually even fortified by lawyers and the *Riigikogu*.

To understand this process, we should attend to the reasoning provided for the use of paid parking. Following these interpretations it is reasonable to claim that 'the tragedy

[38] In that case we see again how easy it is to conflate owner and driver in the language. The minister meant the owner here.

of the commons' (Hardin, 1968) resulting from car parking was acknowledged by legal actors, even though they questioned the ways that the governing procedures restricted freedoms. The reason why the challenge to parking enforcement did not end up as an overall challenge to paid parking was due largely to the support for car use that paid parking provides. Even if the jurists had significant concerns with challenges to property rights and rights of due process, the capacity to increase turnover of parkers which also makes parking available for more drivers appeared to rationalise the use of this device. In 2001, the Supreme Court (2001; my translation) *en banc*—cited also above—reasoned that 'parking spaces on public roads, particularly in the city centre, are limited public resources the use of which should be regulated between different vehicle keepers in a reasonable way.' 'The introduction of parking fees', the court asserted, would 'support the optimal use of the limited resource.'

The academic literature has indeed noted that car parking in the city is a classical 'commons problem' that is traditionally addressed through paid parking (see, e.g., Jakle and Sculle, 2004; Litman, 2011; Marsden, 2006; Shoup, 2005). According to the well-known urban planning and parking management scholar Donald Shoup, in case of free kerbside parking '[d]rivers waste time and fuel, congest traffic, and pollute the air while cruising for curbside parking, and after finding a space they have no incentive to economize on how long they park.' Through the use of a paid parking system, the longer the driver parks, the more money he or she needs to pay, which gives an economic incentive to free up the space as soon as possible. This increases the turnover rate, hence making the space available for other drivers. Shoup (2005), furthermore, cites additional benefits of paid parking as it increases revenue streams to the local government. Paid parking, thus, offers a tool to govern car-citizens who without regulation would create administrative problems by clogging up streets and parking spaces. Restricting behaviour of some drivers benefits the community of drivers as a whole.

The car-citizen who is capable of driving (and parking), hence, needs also to subscribe to regulation by government, even if some of the regulations might cause dislike. The fact that no two cars can take the same physical spot at the same time means that if access for cars is to be provided, it also needs to be managed somehow. This often means the increase of the number of parking spaces—which is shown in Chapter 7 regarding the use of minimum parking standards—but could also entail an

administration of existing ones via limiting the time of parking or discouraging parking for longer periods by making it more expensive. It is the necessity to maintain access to the limited number of parking spaces to a large number of drivers that has led to the paid parking system to be defended by the legal actors.

6.6 The Epilogue: Parking regulations split into two

Since 2002, parking offences became divided into two. Whatever the perception in practice, paid parking was legally seen not as a transport rule but an obligation from the state/local government towards its citizens and subject to management by monetary methods (tax). Failing to pay in case of paid parking became thus not the same type of law violation as, for instance, parking on the grass or on the pavement. The latter type of violations form infringement of traffic laws which required different procedures of enforcement; namely, making sure who the driver was. However, no anonymous procedures were initially allowed in this case. A city transport official complained in the media (Kuuse, 2003; my translation) that whereas it became possible to ascertain those who did not pay for parking, the '[a]ctual violators of traffic rules who have parked their car for instance at the bus stop or some other place where it disturbs traffic or is dangerous cannot be fined anonymously.' The only way to punish those drivers was by towing their cars, which was still a slow and complicated procedure. Looking back at the ongoing problems of dealing with parking delinquents, the transport official pointed out that city officials foresaw the problems with the abolition of anonymous procedures when they gave comments in a parliamentary committee in 2002 described in the beginning of Section 6.5: 'it was a collective opinion of public servants from various cities but we were nullified there and even made fun of' (Rooväli, 2005; my translation). In 2008, however, new changes in legal regulations made fines possible once again for all sorts of violations that parked cars caused.

In that year, it became mandatory for each car owner to record the list of names and addresses of those who had used the car and store the list for at least six months. Whether one actually did that or not but in case of a parking fine, one had to either pay the fine or pay the equal amount to parking fines for not having kept the list of car users. That is, such legal changes sanctioned it to be *de jure* certain who the driver was. When a fine was issued based on the vehicle registration number, the owner—when not guilty herself—was legally bound to know the details of the actual driver. In that way, lawyers

managed to keep the legal principles intact—as the procedure is not *de jure* anonymous—while again making car parking offences governable.

With all the legal manoeuvring, there are now two different procedures in place to deal with parking violations, with two different institutions and sets of inspectors responsible for the tasks. One institution and its officials—namely a private company (at the moment) working together with the city transport department—controls whether the parking fee is paid. The other institution and its officials—a municipality police—determines if cars are parking where they are allowed to by law. In the central city, two sets of different officials control the same physical territory in terms of parking, just looking at different types of infringements. Some of the drivers, moreover, have found ways to outplay the system by parking their cars in a way that they should receive a different fine[39]. The enforcement of car parking, thus, has been a much more complicated matter than simply punishing violations as the public, media and even legal actors tend to see it.

The parking situation in Tallinn has become generally more organised with all the legal adaptations, but at the same time more complex and with certain inconsistencies that although visible for the practitioners of regulations, are difficult to solve in the current legal landscape of Estonia.

6.7 Chapter conclusions

This chapter brought out the legal, administrative and material complexities of parking regulations. Paid parking is on the one hand a minor governmental device and in use all over the world[40]. On the other hand, as the case of Tallinn, Estonia revealed, it can also be a very complex matter involving various state institutions in frictional relationship with each other.

[39] Namely, they park their car in a slightly wrong manner while not paying for parking in the central city. Whereas an official employed by the private company writes then a parking ticket out to them, the city is obliged to cancel it as the ticket is issued for the wrong cause. The official who introduced me to this case claimed there to be a group of such 'offenders' who apparently know each other and have coordinated, but legal regulations do not offer him any way to actually punish them.

[40] Since 2013, for instance, in Moscow.

The investigation of paid parking enforcement in Tallinn highlighted the importance of the materiality of cars in the urban environment. There was at least two ways in which it occurred in the analysis. First, the materiality of cars is important for how it needs to be regulated. As objects with a significant size, cars cause problems for accommodation in the city, especially in the zones with high demand such as the city centre. Paid parking has offered a way to govern the demand and supply, which accelerated its introduction in Tallinn after the end of the Soviet time when the car ownership level was in fast increase. Second, the episodes of parking enforcement in this chapter demonstrated the way in which materiality entered into the field of governing by shaping possible tools of paid parking enforcement. Namely, the identification of the driver is complicated due to the fact that the object the parking enforcement officer deals with is a parked car, with the driver not being in the car but potentially hundreds of meters away. The principles utilised in cases of traffic enforcement, when the driver is physically in the car, would therefore not apply. Governmental procedures, hence, must also work when the driver's identity is not known, by using the vehicle registration number to identify a responsible individual. That 'responsible individual', however, is not necessarily the actual driver. Holding this person liable for payment of the fine is therefore a departure from legal principles of not holding an individual responsible for something they have not done. Such derogation, nevertheless, as legal actors faced in the chapter, is necessitated by the materiality involved in the governing procedures.

Despite the enforcement procedures being shaped by the materiality of cars, the legal logic played a continuously important role in influencing who can govern, in what ways and how much. Thus, the police power of the city—via the directive diagram—was persistently restricted by the legal logic that was drawing on the principles of freedom and individual rights. The problematisations that posed questions of excessive state power against which the individuals were considered to be in need of protecting were in many ways influenced by the historical narratives. These historical narratives shaped the making of the Constitution in the early 1990s with the value of private property strongly reinforced. The freedom of the individual *contra* the state appeared thus to be a characteristically post-socialist—as anti-continuity—feature. The case in this chapter therefore offered a particular instance for the use of post-socialism as a de-territorialised concept: post-socialism applied to the ways in which legal power sought to depart from Soviet practices.

This chapter therefore showed the tentative capacities of the directive diagram, which was challenged constitutionally but still achieved the capacity to regulate that the legal actors provided over the course of events in ten years. The next chapter offers a case whereby the limits of governing are even further tested. While the city necessitates a police type of detailed regulations (as was argued in the section 3.2) there are still questions about what should be governed and what not. That is, there are not only questions regarding procedures of regulation but also questions regarding whether some things would better be omitted from the governing by state authorities—especially that of the city government—altogether or not.

7 ‘The will to govern’ and the ‘legal void’: governing parking on private land

7.1 Introduction

> The city actually has for quite a long time wasted the opportunity to influence or direct parking policy. Because the leading role today, let’s be honest, is in the hands of private parking lots.[41]

> There is no legal basis but [the municipality] really wants [to regulate][42]

This chapter builds on the previous one by dealing with the contradictions of legal and administrative logic in relation to the ‘materiality of governing’/‘governing of materiality’ and post-socialism. Departing from the latter chapter, the discussion here concerns private land. This chapter argues that attention to materialities and post-socialism allows us to make sense of the ways in which legal acceptance does not necessarily equate regulations, or at least acceptance of the regulations to the extent governmental authorities—such as a local state—consider necessary. The chapter thus introduces a term ‘legal void’ which describes the porosity of legal framework with some activities left out from the tools of governing, to which other similar activities are subject. The term ‘legal void’ is developed from the term ‘urban void’ that Jakle and Sculle (2004), as well as various architectural studies, use to describe gaps in urban space. Such gaps are empty of buildings, but it does not mean that they are nothing: they are often in some kind of temporary use or provide habitat for various urban life-forms. Similarly, the ‘legal void’ does not mean the absence of laws. The ‘legal void’ also does not equal with ‘illegal’. It just means the lack of regulations thought necessary by (some of the) state authorities (see also Lindahl, 2008, 2010; , 2013 on 'a-legality')[43].

[41] Interview no. 40 (25 September 2012)

[42] Interview no. 41 (2 April 2013)

[43] The legal void as utilised here is close to a-legality elaborated by Lindahl (2008, 2010, 2013). The legal void is similarly outside the strict legal/illegal dichotomy as the actions are complicating the distinction between those polar positions. However, departing from a-legality, the actions that legal void discusses are defined as legal but just not regulated while a-legality considers also those that might be defined as illegal but not enforced. The legal void, more than a-legality, assumes the filling of voids in the legal framework, yet the simple filling of gaps by law is assumed less than is done by another notion—(fixing a) ‘loophole’.

Table 7.1. The matrix depicting the relationship between legality and state regulations of social activities or phenomena.

	Legal	**Illegal**
Regulated by the state	The state regulations match with the legal apparatus. The social activity or phenomena is legally recognised, categorised and there are governmental tools to regulate it (e.g., shop licensing, vehicle registry, parking provision in new urban development regulated with parking standards)	1) Even though the activity would be strictly speaking illegal, it is not enforced, or 2) it is accepted as the normal condition by the state authorities (see, e.g, the case in Chapter 8). That means the 'illegal' activity is in practice not illegal (the term 'a-legality' is more apt here).
Unregulated by the state	1) A sphere where governing bodies want to influence but have currently failed for whatever reason (e.g., off-street paid parking; see the case in this chapter) 2) The lack of regulations is considered normal by many actors in the society (examples would be many aspects of everyday life). There is thus an overarching legality but no particular parameters subscribed by the state about how the activity should be done.	1) The activity is illegal but law enforcement is unwilling or unable to deal with it. 2) The phenomenon/activity is illegal and unregulated by the state but regulated by non-state actors (Borraz and Le Galès, 2010). This includes also activities by organised crime. *3) The activity has not entered the sight of governing who thus cannot regulate it. Such activity is actually neither legal nor illegal; it just does not exist for the government.*

The Table 7.1 depicts the interplay of the legal and the regulatory and the place of 'legal void' (the lower left hand cell). The mismatch of the 'will to govern' and the law is the reason for me to consider legality and regulations as two distinct spheres (the distinction

was also already set out in the previous chapter), although none of the distinctions between legality/illegality and regulated/unregulated should be seen as strict (hence the dotted line in the Table 7.1). Here the distinction between legal and illegal aims to capture whether an activity or phenomena is legally recognised and accepted in this society at this moment. The distinction between regulated and unregulated considers the extent of governmental technologies in regulating the particular activity in discussion. The 'legal void' is an expression of the failures in materialising the 'will to govern' (Miller and Rose, 1990; Rose, 1999; Rose and Miller, 1992).

Whereas it is common to see the local state as a potent actor capable of directing matters in its territory (e.g., Blomley, 2011; Jones et al., 2010; Valverde, 2012), this perspective exaggerates the capacity of the state. Miller and Rose (1990, p. 11), for instance, already argued that 'the "will to govern" needs to be understood less in terms of its success than in terms of the difficulties of operationalizing it.' Rather than a monologue of governors there is 'heterogeneity, complexity and contradictoriness of state institutions' (Painter, 2006, p. 764) where the governing itself is not a coherent process but rather 'a genuinely heterogeneous dimension of thought and actions' (Rose, 1999, p. 4). The various 'legal voids', thus, could not simply be filled continuously but rather evoke a terrain of complex processes and deliberation between various state and non-state actors, whereby it is not certain what should be governed by the state and what should remain outside of direct governing by state authorities.

The cases selected for this chapter highlight the complex relationship between the 'will to govern' and the legally accepted and normalised. While both of the cases deal with the provision of parking on privately owned land plots, they are almost diametrically opposite in terms of local government capacities. If a developer in Tallinn would want to build 25 or 75 parking lots in a new residential area, the local government can require the number to be 50. However, when a land owner wants to provide a public parking service as a business on its unused plot, then it can possibly make available 25, 50 or 75 spaces without any local government intervention. Moreover, the city authorities cannot determine which of the privately owned land parcels may be used as parking lots and which ones not. The city authorities of Tallinn would not be able to follow transport policies in the case of private parking lots. The local state also is not able to ensure basic quality of land surface that would avoid oil spills to leak into ground or evade gravel and mud to be carried to the public streets by cars. Thus, the situation in Tallinn

is that parking on privately owned land is both highly regulated (in the case of new developments) and almost not regulated at all (in the case of the use of undeveloped land as parking lots). This chapter shows how such situations rely on both materiality, with its relation to governmentality, and to historical factors encapsulated by the term 'post-socialism' as a de-territorialised concept (see Chapter 4).

In terms of materiality, the surface material is a crucial factor in dividing formal from informal in the cases reflected here. The selection of paving—paved with stones or tarmac or merely with gravel (see examples of the latter in Figure 7.2)—affects what governmental technologies state authorities can utilise. In addition to materiality, we also need to attend to the historical processes at work. Some of the phenomena that governors encountered after 1991 in the process of state building are new (such as private provision of parking), whereas some of them have histories in the Soviet time (such as the construction of new buildings). The ways in which those processes can be dealt with, thus, differ as well. With the old phenomenon it is probable not only that the acceptance of regulation exists, but also that the particular technology of governing is available. With the new phenomenon, it first needs to be determined in what ways and by whom such activity could be governed.

The chapter is divided into two parts with Section 7.2 discussing parking standards: their post-socialist continuity and governmental strength. The second part—Section 7.3—introduces the off-street parking business and brings out the conditions under which they exist in a legal void.

7.2 Continuity of the technology of government: parking standards

I start the chapter by discussing the example of strong local government seen through the governmental technology of parking standards. I will first set out the nature of this expertise and governing tool in general, moving on to discuss its history and deployment in Tallinn, and elaborating on why such a strong capacity has emerged.

7.2.1 Parking standards as a way to govern car use

The parking standard is a governmental device for urban planners to regulate the number of parking spots to be provided in new developments. The standard links the number of parking spots with the possible number of cars depending on the type of

building planned (for example, one or a set of residential buildings, offices, malls, kindergartens). Nevertheless, despite its simple form, it is very difficult to ascertain the right relationship between parking lots and cars. For instance, how would anyone know the number of cars new residents of a planned apartment building are going to use? How many of the residents do not have any car, and how many have one or more? How many of those who do not have a car might buy one once they have moved to their new residence? Planners, however, from the time when parking standards were taken into use in 1935, have not considered those questions to be unanswerable.

The solution that planners provided does not use sophisticated calculations but is rather intuitive (Shoup, 2005). Planners have used different proxies to determine how many cars the parking lots and buildings should service. Even though the closest proxy is the number of people living, working or visiting the building, such a number is not the principal measurement used in the planning process. Instead, the planning process operates with physical parameters, such as the number of apartments, floor space size or number of chairs in stadiums and concert halls. Even though these proxies suggest how many people would use the building, the equivalence between these proxies and the number of people actually living, working or visiting the building is still uncertain.

The main rationale for the existence of parking standards since they were introduced in the USA in 1935 has been the concern with the lack of parking spaces resulting in spill-over to adjacent parking lots and double parking on streets (Shoup, 2005). Parking standards, thus, set out the minimum number of parking lots to be provided in new developments—these standards are termed 'parking requirements'. The parking requirements were initially relatively unpopular (Ferguson, 2004) and also contested. However, they were considered part of zoning and thus a police power (see Section 3.2) that local states could use to demand land owners to provide more parking lots on their land plots[44]. Since the 1960s almost all of the larger US cities are using this governmental device (Ferguson, 2004). The parking standard might have been a reasonable measure to deal with problems in the automobile's earlier years, but its continuation to this day has resulted in multiple negative outcomes pointed out by

[44] For instance, Central Bank and Trust Company v. City of Miami Beach, Florida (392 F.2d 549, United States Court of Appeals Fifth Circuit, 4 April 1968) https://law.resource.org/pub/us/case/reporter/F2/392/392.F2d.549.25053.html (last accessed 31 August 2014)

Shoup (2005). By defining the parking problem as a lack of available parking spaces whereas the way to solve it was considered to be enlarging the number of spaces provided, parking standards have led to a situation wherein drivers park for free for most of the time and forget the price of parking, which is bundled into building costs paid by everyone (even those who do not use cars) effectively supporting extensive car use (Shoup, 2005).

Even though the main use of parking standards has been for setting parking requirements and supporting car use they can contain different rationales. Namely, some cities have started to define the maximum number of parking spaces to be provided. Such technology—named 'parking cap' (Shoup, 2005)—aims to curtail the designation of space for parking and thus to limit the use of cars. The form of parking cap is the same as that of parking requirement—designating a number of parking lots per various proxies—but the difference is in the semantic device in front of the number: maximum instead of minimum.

Both of those rationales can be seen as examples of a directive state. The state—a local government in this case—intervenes to the matters of private land and designates what can be done and what not. However, the parking requirement and the parking cap differ in the ways they govern: while the parking requirement levies a duty on land owner, the parking cap designates a limit to the practices of private actors with no demands for action in itself. In Estonia, to which I turn next, they have nevertheless merged into one governing device and often used the same way.

7.2.2 Parking standards in Estonia

The structure of parking standards

In Estonia, parking standards are in wide use and are especially significant in the biggest city of the country—Tallinn. Parking standards in Tallinn are regulated through two main documents: the Estonian Standard for Streets (EVS 843, 2003) and the Development Plan for Parking in Tallinn 2006–14 (Stratum, 2005). The first is a semi-legal document applying to the whole country. It is itself unenforced (thus voluntary) but could become obligatory if attached with correct words to the planning document. The latter document—the Development Plan for Parking—is ratified by the Tallinn City Council and is compulsory for all new developments in the territory of the city.

Interviews in the city departments responsible for the use and enforcement of the document always involved direct references to the 'table' (which is also in its form a table) designating the proposed number of parking lots in the Development Plan for Parking in Tallinn. The informants often put the 'table' on the desk in front of me as if it were the table itself that should speak, rather than a governor. Indeed, according to interviews in the local government, but also with real estate developers, the 'table' is considered to be a strong tool of local governance, difficult to escape from even if they wanted to.

The 'table' is similar wherever in the world such a governing device is used, although it still exhibits some differences. The parking standards in Tallinn are regular ones in the way in which they divide functions of buildings and the way in which the number of parking lots are related to characteristics of the development. The parking standards of Tallinn divide building functions into 32 categories which form 15 major categories that designate, then, a certain number of parking lots per floor area of buildings. However, apart from the universal features described, Tallinn parking standards have variations that not every parking standard has. The most visible of those is the designation of the city into three zones: the city centre, the intermediate zone and the edge city. The city centre is defined exactly along particular streets. The zone named 'edge city', however, is defined more loosely as 'an area at the bordering zone of the city designated for private dwellings in the Comprehensive Plan' (Stratum, 2005). The intermediate zone is defined as everything that remains between the two.

With the city divided into three zones, the zones can have different values and even different rationales, as is the case in Tallinn. In the city centre, the standard sets the maximum number above which parking places should not be constructed. While the intermediate zone designates the same number as the city centre it is a 'minimum'. In the edge city, however, the 'minimum' requirement is set even higher than in the other two zones. In the city centre, thus, the Tallinn parking standard is a 'parking cap' while in the intermediate and the edge city it is a 'parking requirement'. Even though Shoup (2005) saw those two as diametrically opposed, they exist alongside each other in the case of Tallinn. However, as I argue below, one should not exaggerate the rationale of the parking cap in Tallinn, since the way that it is incorporated into governing practices is not entirely as a limit to parking provision. The city of Tallinn has made the parking cap into a more directive governing tool than its form actually suggests.

The city is concerned with the provision of parking

Most of the city of Tallinn is covered by the minimum parking standards where the principal rationale has been the provision of parking lots. In principle, a developer is asked to provide as much parking as possible and no less than, for instance, one per apartment or one per 80 square metres of space in office buildings.

Cars brought to a standstill in streets impede the flow of motor vehicles, and the unimpeded flow of traffic has been an important concern in Tallinn as in many other cities for centuries. The aim to sustain circulation in cities has been a concern for police power of city government as discussed in Section 3.2. The very first post-Soviet transport development document for Tallinn already expressed (Stratum, 1992, p. 58; my translation) that '[p]arking restrictions on artery roads in the centre [are aimed] to increase their capacity which presumes reconstruction of junctions and construction of new off-street parking lots.' This idea was then carried through to future documents in both urban and transport planning. Of the five main problems of transport that the Comprehensive Plan of Tallinn (Tallinn City Council, 2001) points out, one concerns 'extensive parking on the city centre main streets [that] limits their capacity and traffic safety' (my translation). The same idea is reflected in Parking Development Plans. In the most recent Parking Development Plan in Tallinn, the aim of the transport policy is the 'reduction of parking on public traffic areas, especially in the city centre' (Stratum, 2005; my translation). Car parking in the streets is considered the impediment to the flow of traffic while the provision of parking lots outside the street space is seen as an option to allow traffic to flow effectively. This is the reason to use minimum parking standards demanding off-street parking spaces in Tallinn as well as in many other cities in the world.

Furthermore, over time the city has increased parking requirements. The parking requirement for a two-bedroom apartment has shifted from 0.9 in the 1990s and early 2000s to 1.4 since 2010, whereas the requirement for a three-bedroom and larger apartment has changed from 1.1 to 1.6. This is an increase of almost fifty per cent. If before 2006 one could designate about 250 square metres of parking for a building with 10 flats, then nowadays the parking requirement is already 375 square metres. The difference—125 square metres—could be either two mid-sized apartments in the

building or a large children's playground on the property. Aggregated in that way, the changes in parking standards are enlarged into more significant effects.

With the critique of minimum parking standards common in transport planning (in particular, Shoup, 2005) one might indeed expect the same in Tallinn. Nevertheless, while the questioning of such minimum standards exists in Tallinn—drawing mainly from the concern for the quality of space (as well as the principles of liberalism; see below in this section)—it is primarily a concern amongst some of the transport researchers and activists, and its effect remains limited. Furthermore, whereas the alternative parking standard—the parking cap which in principle is a governmental technology seeking to limit parking as a way to shape transport choices—exists in Tallinn as well, its true function is not put into practice. The maximum standard, although clearly expressed in the document, is not really used as a 'maximum' but rather as an 'exact number'. Instead of leaving it for developers to decide in accordance with the maximum limit, the city states exactly how much parking should be provided in a new development. In answers to my question about how city authorities decide on the amount of parking a new development should have, two officials responsible for parking standards had discarded the words 'minimum' and 'maximum' and expressed that 'based on the table it is said how much'[45]. The table, however, does not in fact indicate 'how much' but just 'no more than...' and 'no less than...'.

What is more, the 'no more than...' inscribed into the parking standards does not act as a tool out of the desire to limit the general car use in Tallinn, but rather it is utilised when other factors already complicate the provision of car parking. The most important of such factors—especially in the city centre where the maximum standard is in use in Tallinn—is the size of the land plot. In my hope to learn about sustainable mobility and the desire to limit car use from the urban planning department I was disappointed. The Head of the department[46] rationalised the maximum standards simply: 'because the city centre is dense with only some gaps … and often the lots are small'. Thus, while it is true that the restrictions of car use with the aim of changing people's mobility choices is given some attention in the policy documents, as well as in public appearances of

[45] Interview no. 37 (24 September 2012)

[46] Interview no. 36 (18 September 2012)

politicians and officials[47], these ideas have not yet been translated into practice. The parking cap, which is the principal parking regulation for restricting car use, has not really become part of the active policy of those who govern, being itself more ordered by other concerns such as the material reality of urban environment that simply does not allow providing more spaces than are designated by the 'cap'.

Parking standards as characteristics of a strong state

The local government of Tallinn, according to interviewed real estate developers, has been persistent and strict in following parking standards. Even when developers have wanted to provide less than the minimum requirement dictates, the city has tended to decline to offer such relaxation of their own standards. Such a strong state has caused some critique and not just by transport experts as referred to above but by developers as well.

The principal line for the critical comments is that of liberalism. This perspective poses the question about the extent to which government should be allowed to direct the actions of private individuals (which also includes companies). As one of the interviewed planners[48] explained: 'It is a question that a person is not an idiot: she can decide on her own, not that an official from the city decided that "No, you have to have a car".' Her viewpoint saw the decision regarding parking provision in new developments as belonging to the developers' business capabilities. It would be up to them to figure out whether they are able to sell apartments without parking spaces or not. The availability of a parking space for an apartment would then be just another character of the property, like availability of whirlpool bathtubs (to use the architect's example) or other amenities, and a buyer can then select whether he/she wants that apartment or chooses a different one. In the end, developers act within the limits of financial possibilities measured according to the cost of buildings and the price they can ask for the apartments. This would put a tight limit on, for example, simply hiding a large number of parking spots in multiple floors underground. In an interview, a developer with several years of experience as a member of executive board in one of the

[47] Tallinn's Parking Development Plan for the years 2002 to 2005 (Stratum, 2002, p. 42), for instance, expresses the aim of parking policy to be the 'management of parking with the aim to optimise the choice of transport mode and in that way achieve improvement of traffic and environment.'

[48] Interview no. 48 (4 April 2013)

biggest real estate companies explained[49] how underground parking—especially of multiple floors—'is not realistic'. He pointed out a case where his company calculated the costs and found out that just the cost of construction would become already the same as the price of nearby properties. This would essentially mean that they had done 'three years of unpaid work in the development'. According to him, this is not the way markets work. The built things need also to be sold. The city can think of different kinds of policies but they would not 'be realistic' (to use the expression of this developer).

Despite such critiques, which arise from the prominent logic of liberalism, parking standards exist and are in constant use by municipal authorities. Parking standards are one of the 'directive hands' of the city, as one of the interviewed developer asserted[50]. It is one of the three key issues alongside landscaping and the building itself that the city considers in regard to the new developments[51]. Essentially, the city treats the minimum parking standard as a way of solving parking problems that otherwise would become problems of public policy using the finances of private actors. In effect, requiring parking to be provided is a form of taxing private land owners and developers.

Governmental rationale, however, sees parking as a need that cars will have wherever they are, leading the city to be concerned with problems that emanate when there are not enough parking spaces provided. During interviews, officials pointed out examples in which parking was left unconstructed in new developments, resulting in cars parking on public streets nearby and thus reducing the driving space. Parking, to use an example from an interview with a parking operation business[52], appears like a need to go to the bathroom. It is, hence, not like a whirlpool tub—as one architect suggested[53]— the presence of which one could enjoy, but whose absence would not be a problem. Rather, regulated parking is something without which the practice would be carried out in other locations, hence, causing problems. The city prefers to have more parking spaces even in the city centre where the 'table' otherwise proclaims to cap parking.

[49] Interview no. 42 (2 April 2013)

[50] Interview no. 43 (3 April 2013)

[51] Interview no. 40 (25 September 2012)

[52] Interview no. 41 (2 April 2013)

[53] Interview no. 48 (4 April 2012) – a duo-interview. Expressed by an architect invited by the other interviewed person.

In the case of parking standards, the local government in Estonia is active and strong in succeeding in implementing their regulations. While it is significant that the city manages to require private land owners and developers to put their money into constructing parking lots via parking requirements, an even more significant sign of the capacity of the municipal directive diagram is its use of parking cap as a tool for requiring parking spaces. Both parking requirement and parking cap are thus instances of the directive diagram possessed by the city of Tallinn.

7.2.3 Parking standards as 'post-socialist'

> To assume a straightforward causal homology between liberalism and capitalism overlooks the fact that governing practices embody their own histories and develop their own rationalities which may or may not link up with the dictates of capital. (Isin, 1998, p. 171)

Despite shifts in the state role whereby it is less powerful in directing urban development than it was in the Soviet era (Ruoppila, 2007), parking standards demonstrate the significant capacities of the state. Such capacities, however, are not newly formed but rely on the continuities of practices with former socialist times. Therefore, even though one can reasonably argue for a significant rupture in the ways the state functions there are still significant continuities if one pays attention to particular technologies. As I argue here, the capacity to regulate car parking by a local government rests significantly on the history of this governmental technology. This does not mean that they are conditioned by the past or that they are merely continuities. Rather, there is an interplay of hybrid connections wherein multiple changes as well as foreign inspirations are important. As I drew out in Chapter 4, 'post-socialism' can be put to work here to show connections between contemporary and previously existing phenomena in terms of particular aspects of cities or societies rather than describing them as a totality. Here, these links emerge as continuities embedded in the parking standards.

The construction codes and regulations that span the Soviet Union (called SNiP which is an abbreviation of *Stroitelnye Normy i Pravila* – Construction Codes and Regulations), addressed parking standards already in a document dating back to 1966[54]

[54] According to private e-mail correspondence with Ilmar Pihlak (3 May 2013)who has authored Estonian parking standards and has extensive experience on this matter during the Soviet period.

(SNiP II-K.2-62, 1966). The main logic of parking standards set in this edition of the document remained principally the same until the collapse of the Soviet Union in 1991, while the exact numbers have been adapted to the increasing levels of car use. The standard set the number of parking spaces to be provided during the time of construction and projected 20 years into the future based on the level of motorisation and anticipated motorisation (SNiP II-K.2-62, 1966; SNiP II-60-75, 1976). The Soviet parking standards differentiated a number of functions: such as residential buildings, administrative buildings and factories, theatres, cinemas, sport stadiums and larger shops. The categories used as well as the general logic of linking parking lots to certain proxies are common practices of parking standards all over the world. Thus, I do not argue here that the parking standards are 'Soviet' in the sense of being unique compared to parking standards in other places as such a claim would be wrong due to the multiple similarities that parking standards all over the world share. What I claim here, nevertheless, is that they are 'socialist' due to their particular history in the context under study (Tallinn, Estonia in this thesis). They exhibit 'continuity' which was discussed as part of post-socialism as a de-territorialised concept in Chapter 4.

After the collapse of the Soviet Union in 1991, 'new' building standards were devised in Estonia, including those for parking provisions. These standards, indeed, draw much inspiration from other countries. According to their author, Swedish and Finnish parking standards were studied for ideas. As he claimed in the document prepared in 1994 (Pihlak, 1994; my translations), even though Soviet standards 'were not in general bad' (p. 10), they had aged because they were calculated with car ownership of 180 – 220 individual vehicles per 1000 inhabitants that was already achieved by 1994. By the year 2010 (p. 8; my translation), 'the motorisation of Estonia is expected to catch up with the level in Finland and for that reason it is suitable to use [year] 1985 Finnish standards for the compilation of Estonian standards.' Not only was the increase of car ownership taken to influence the parking standard, but some aspects of a more general logic were also borrowed. First, calculating parking spaces in relation to the Gross Floor Area (GFA) of buildings was drawn from the Finnish standard. This disentangled parking provision from the number of individuals—whether workers, residents or restaurant clients that the Soviet standard suggested—and linked parking with the only character that planning can clearly and relatively unambiguously settle: the size of the new construction and its number of floors (which gives GFA). The second important innovation taken from Finnish standards was the use of 'zoning' (Tallinn was divided

into three zones: the city centre, the intermediate zone and the edge city) introduced in the previous section. The third innovation was the application of ‘minimum’ and ‘maximum’ which was also inspired by the Finnish standards. Whereas the Soviet standards set lower and upper limits to what has to be provided (setting a range), the new wording allowed whatever is either smaller or larger than the number set in the table. This signifies a more liberal logic in principle: anything could be done but it must follow certain principles. Despite that being the case, the application of the parking standards has still mainly followed the Soviet logic of setting the exact number as I argued previously (in Section 7.2.2).

Parking standards are thus a mixture of change and continuity. It is obvious that with the changes in the political and economic arrangements of the society, the basic principles of parking standards altered as well. The parking standard changed from being a guiding principle for the Soviet urban planners into a legal tool for state intervention in the post-1991 situation; instead of guiding the actions of urban planners employed by the state institutions the ones regulated now are real estate developers. But continuity exhibited in their form and function is even more visible. Indeed, the task of revising and updating standards—even if you describe them as ‘new’—rested on something that already existed: an idea that in case of a new development, the number of parking spaces should be linked to the number of cars which differs according to the land use. Even more than an idea, it included a set of fundamental assumptions, for instance that car parking is a problem which could be controlled through urban planning tools, or that parking norms as a number in the table could be increased or decreased with time considering changes in the levels of motorisation or planning ideas. In the introduction of the Estonian Standard on urban road design (EVS 843, 2003) the authors highlight this by pointing out that in addition to the previous post-1991 Estonian standards and standards from Finland, Sweden, Germany and Denmark, the standards of the former Soviet Union have also been used as a ‘basis’ (p. 1). There was, hence, continuity in the ideas, assumptions and even elements of the precise form of the technique.

The ‘local rootedness’ of parking standards, though, needs some more discussion as they were not ‘local’ in Estonia being devised in Moscow for the whole of the Soviet Union, while the Soviet standards themselves were constituted in a wider network of places. Similar numbers in parking standards were applied to cities across this enormous

country, only later being differentiated between various Soviet republics[55]. Furthermore, although the Soviet standards were Union-wide, this does not mean that Tallinn lacked local competencies. The primary person behind 'new' standards in 1990s has worked for decades at a university in Tallinn, while being involved in carrying out parking studies and attending conferences that drew together experts in the field from different parts of the Soviet Union. He received his Candidate of Sciences (which is equal to a doctoral degree) from Moscow in 1968 with a thesis on the use of private automobiles in cities with some attention to parking issues as well. After 1991, then, Tallinn embodied competencies that were generated in the Soviet time, and not just as a totalitarian imposition by the Soviet Union but as an active engagement with concerns that were important locally in these times.

The parking standards, to conclude, were in many ways constituted by practices outside the country but at the same time were implicated locally. Even though an observer might want to stress the learning from other contexts in the 1990s—which was certainly happening here—one cannot neglect that parking standards were already in place in Estonia. They were as much learnt as they were already established. It was not difficult to change some aspects of the standard without needing to introduce a whole new logic: this is what 'the need to devise *new* standards' (my italics) means. This situation is a continuity and change at the same time. While the 'new' suggests change, the formulation of the problem as a need to devise a governing device that already exists embeds the continuity. This is the case also with their application: an exact number rather than minimum or maximum used to be the Soviet practice. Whereas the continuity is not widely acknowledged in Estonia, it is highly likely that without the historical application of parking standards it would not have taken hold so seamlessly in the post-1991 urban planning.

The case of private parking lots on derelict land plots that offers the next example in this chapter highlights the importance of the naturalisation of governing (that Valverde, 2011 discusses) in the case of parking standards. The lack of regulations on private parking exposes the missing regulatory capacity of the government on this issue even though the 'will to govern' exists whereas the parking standards discussed previously put the 'will to govern' into practice to a considerable extent. The naturalisation of

[55] Personal communication with Ilmar Pihlak (e-mail in 3 May 2013)

governing, as this section argued, does not emerge simply from the will of the state but is a 'contingent historical event' (Valverde, 2011, p. 285) where the exact history of the governmental device is no longer clearly visible in the practice. In that instance, it can be concluded with the sentence from Ben-Joseph (2005, p. xiii): 'accumulated rules now have the force of universal acceptance'.

7.3 The limits to materialise the 'will to govern': regulating private off-street parking lots

The strong foundation of parking standards contradicts the near-comical situation of numerous private parking lots that have arisen in the city of Tallinn. Even though there are private parking lots that are governed by the local government (such as multi-storey and underground parking garages) many of the surface parking lots have escaped governmental intervention. I am interested here only in the latter phenomena in order to show the connection between the capacity of the state, liberalism and materiality. Moreover, in the case of surface parking lots we are not talking about a rare phenomenon but a significant amount of parking space[56]. Their importance for an analysis rests precisely on the concomitant existence of their scale and unregulated character. They exemplify a 'legal void' as they occupy space between legal comprehension (that designates what is legal and what is not, and is able to govern the divide) and the undefined sphere of governing where the legal apparatus and regulations do not penetrate. The 'legal void' sits more towards the former as it designates activities that are seen as at least basically legal (just not regulated), while Lindahl's (2008, 2010, 2013) concept of a-legality falls more towards the latter as it includes activities that are both legal and illegal offering a challenge towards the way in which legality is defined. Therefore legal void is a narrower concept than a-legality but hopefully also more clearly designated. Yet, legal void should not be equalised with 'loophole' which assumes the need for regulation: legal void is about a 'void' but leaves the question about the need for regulation (filling the void) open for debate. Before moving to the conceptual analysis, I will briefly introduce the case under study.

[56] Unfortunately there is no statistics on the number of those plots. A casual observation would suggest about hundred sites in the central area with the number of parking lots in thousands.

7.3.1 The legality of off-street privately owned parking lots

The off-street private parking business under discussion here operates mainly on land plots left empty by demolition of a building or a group of buildings while the land plot still remains in wait for a new development (see Figure 7.1). It is in this sense that these plots are both legal and urban voids. Such land plots emerged particularly as an aftermath to the 2008 real estate crises but there are both older and later instances. After clearing the land of buildings, the owner rents the plot to one of the three companies operating in this business: *Europark*, *Ühisteenused* or *CityPark*. Once a deal is signed with the land owner, the parking operator levels the ground adding perhaps a layer of gravel, signs at the entrance, some signs inside the area, and ticket machines (see Figure 7.2). In that way, a parking lot is established and operates until the land owner can find an alternative use for the land. Even though the parking lot is expected to be only for a short period with the contracts between the parking business and land owner made in a way that they could easily be discontinued, such parking lots often remain in place for five, ten or even more years.

Figure 7.1. The development of a parking lot site. Photo on the left depicts demolition of old buildings (Source: Author's photo from 2006) and photo on the right is a today's parking lot (Source: Google Earth)

Despite dealing here with the lack of regulations, there are still many aspects of this business which are not only legal but also regulated. First of all, the companies are legal entities registered in the business registry and pay taxes. The business in general has been profitable even if the sums are not enormous: The biggest company in the private parking business—*Europark*—earned 0.3 million EUR profit with 2.5 million EUR turnover in 2009 (Hankewitz, 2010) while two years later—in 2011—the profit was already more than half a million EUR from 3.8 million EUR turnover. Second, the

renting out of parking spaces to customers follows legal rules set up in Estonia. Namely, the businesses operate according to laws on renting: in this case, renting out a piece of land for parking a car for a relatively short period[57]. Third, two of the three companies are linked with big international companies. *Europark* uses the name of the recognised international company operating in different countries whereas it is now owned by a Norwegian company. *Ühisteenused* is a subsidiary of the world's largest security firm G4S.

Figure 7.2. Private parking lots in Tallinn. Source: Author's photos.

[57] Interestingly, this is exactly how parking analyst Donald Shoup (2005) sees the activity of parking: a short-term rent of a piece of land.

Considering the reliance on the formal system it is striking that these parking businesses also rely on the lack of government intervention. Such informality is both an unplanned result of the frictions in the governmental apparatus trying to deal with something new, and the active carving out of the space for their profitable parking businesses with the inventive use of legal semantics and materialities. Even though being defined 'illegal' does not necessarily lead to the removal of an activity and the illegal condition can last for a significant period depending on the law enforcement (see Table 7.1 top right), being categorised as illegal can also be avoided. The key for parking businesses in Talinn has been to avoid having the land categorised as 'retail' or as 'construction'—both of which are subject to interventions by the local authority. While in everyday language one easily describes parking business as a service (which is part of retail) or sees them as constructed entities, in legal apparatus the way things are categorised can be different from everyday and colloquial definitions (see also Bourdieu, 1987) with effects on governing.

7.3.2 The legal dimensions of the 'legal void'

> As I said earlier, legally everything is there. We have had legal analysis done by different law bureaus and they all say that it is ok. In our opinion as well. [We expect] that parking could be organised that way and the conception could work.[58]

> There appears to be few restrictions on private companies undertaking parking operations under any land use or licensing provisions. (Maher, 1998, p. 9)

The 'legal void'—that is legal and unregulated while scrutinised for the possibility of regulation—is a concept that itself reflects the historical process. Activities falling into the legal void are those that have not been captured by regulators, usually because they are either novel or have remained unproblematised. The 'legal void' captures a tension where, on the one hand, an activity might be recognised as a problem to be dealt with or, on the other hand, it could be considered a perfectly normal situation. Regarding the latter, nobody would blame legislators and administrators for the lack of governing how people position their furniture at home. The lack of regulation in this context is considered normality. But in cases such as hacking or smuggling or the off-street parking business presented here, the idea that the existence and prevalence of those activities in a particular context are in need of regulations can be more easily made.

[58] Interview no. 47 (4 April 2013)

Even though these parking lots are private activities they are visible and offered for the public. The way in which their land plots are planned and managed raises interests for state intervention in terms of health and safety (to avoid oil spills to the ground) but also considering general quality of service offered for the public of car users (see discussion of police powers in Chapter 3.2).

The city government's opinion is indeed that these parking lots require registration and detailed regulation by the city[59]. Four years ago in 2010, city officials offered a strong opinion about the private parking business in the local media. In a newspaper article (Õunmaa, 2010), the Head of Road and Infrastructure Division at the Department of Urban Planning Jüri Kurba explained how 'before constructing a parking lot that offers paid parking service the land owner has to submit an application for project conditions'. The article explains more (my translation):

> In addition, the Department of Transport has to look through traffic safety conditions because not everywhere can cars freely drive in and out. Issues of surface coating, vertical planning, rainwater drainage and cleaning (oil separators) etc must also be solved. The project that has been prepared in accordance with the requirements and coordinated [with different departments – T.T.] is submitted for formalisation of building permit. Only after receiving the building permit can the construction of a parking lot take place.

In an instance where the land has a non-business function (which is often the case on the land plots where parking businesses operates), Kurba explains, 'one has to apply to a city for a change of land use into a business land. A committee at the Department of Urban Planning weighs every case separately as to whether the change of land use is justified or not. Then it will be submitted to a City Government session where the land use change is decided.' The Head of City Transport Division at the Department of Transport Ruth Pärn claimed 'It is not this way, that in case there is a lack of money I turn a construction site into a parking lot.'

Even though the city government had held such a position for a long time, this perspective had turned out to be a dysfunctional one in practice. It is indeed the case that an ordinance of the City Council from 1999 stipulates that 'the parking of vehicles in paid parking lots takes place only in accordance with both the traffic scheme ratified

[59] The same view is held by most of the transport experts in the country. They have raised such needs for regulations in some posts in a Facebook group 'Linnad ja liikuvus' [Cities and Mobility] I moderate.

by the Department of Sustainable Development and Planning and the trade permit issued by a City District administration' (Tallinn City Council, 1999, Article 3.1; my translation). Despite existing in words in the regulatory apparatus of Tallinn, this stipulation, nevertheless, did not matter in practice and was eventually abolished. I tracked the history of the by-law and it emerged that it was abolished as late as in 2013 alongside other 128 ordinances from 1993 to 2011 as they 'are aged by their content, form or norm for delegation' (Tallinn City Council, 2013; my translation). It is worth noting that despite the ordinance being actually pertinent as the 'will to govern' existed—unregulated private parking lots, indeed, were (and are) considered a problem—the logic of law, however, had excluded this article of ordinance (including the whole section of five clauses) for more than a decade before it was officially discarded. None of the city officials who I interviewed in the first half of 2012 mentioned this ordinance. When I cited the article, one official even could not believe that such stipulations existed in the municipal code[60]. In Estonia, municipal code must accord with state-level laws that override what municipality intends to do—which was shown in Chapter 6—making the city of Tallinn interpretation of laws and its use of by-laws potentially unworkable. It was for this reason I also asked questions from some central state actors.

In the fieldwork I was interested in what central state authorities think about the 'legal' situation of these parking lots, especially those that operate their business on residential land. Do state authorities perceive them to be legal and why? I wrote official letters to three ministries—the Ministry of the Interior, the Ministry of Justice and the Ministry of Economic Affairs and Communications—who bounced them between each other, as well as to Tallinn municipality (who bounced the letter back) and in the end only the Ministry of Economic Affairs and Communications answered[61]. In a nutshell, their explanation admitted that no regulations are necessary whatever the official land use is (see Section 7.3.3 about the urban planning tools) and law does not give municipality any right to intervene. In their words[62]:

[60] Interview no. 12 (29 February 2012)

[61] Official response by Ministry of Economic affairs to my request of information, 22 March 2013 (available from author upon request; my translation).

[62] Ibid.

> According to the Traffic Act article 186, clause 5 an owner of a road or a person responsible for organising road maintenance can institute a paid parking. For instituting paid parking, the Traffic Act does not have any additional requirements (such as coordination, applying for a permit etc) .... [T]o the knowledge of the Ministry of Economic Affairs and Communications there is no legal regulation giving local government the right to restrict the establishment of parking lots on private land or to regulate the number of parking spaces there.

The Ministry in their answer admits, then, the extra-regulatory but legal position of private parking lots. The law, thus, has not allowed local government to intervene in the way city officials imagined. The law does not say explicitly that they cannot intervene but it does not provide explicit levers for action. The regulatory toolbox of local government to act on those parking lots has remained empty. More precisely, the toolbox exists in the form of registration of business activities, planning regulations and building permits, but these cannot be attached to the private parking lots. In what follows I will unpack this toolbox of regulations and the reasons why none of the tools could be attached to off-street parking business. I hold the view that the parking business discussed here is in 'void' not just because there is a 'gap' in the law but because such a 'void' makes legal sense. Depending on the perspective, the void is not simply a gap but normality as well. I will first discuss registration moving then to planning tools in Section 7.3.3.

Registration – a technique to make activities governable

Registration of activities subject to certain criteria is a common governmental technology used in many instances around the world. Asking an activity to be registered makes it possible to differentiate legal performances from illegal ones. The registration is used in many instances such as the list of businesses who are allowed to operate in a certain area of activity and who are subject to monitoring by state authorities, or registration of various professions such as doctors or lawyers (in order to assure the quality of their service). In some cases, the registration and the list is not done by state authorities but non-governmental organisations such as the Bar Association of lawyers. Nevertheless, even in that case the legal framework affects the system of registration in many ways (e.g., legislating what activities those who are registered can carry out as compared with those who are not included in the registry).

With registration, an activity would officially be entered into the framework of governmental intervention. Registration itself can be a simple one without any requirements (that is, everyone who applies can be registered) or one that is subject to simple or more stringent conditions. The conditional registration that sets rules to be followed is known as a licence. The registration of an activity opens governmental space for shaping the conditions for the activity, even allowing possible withdrawal or refusal to renew. Even if the requirements do not initially exist, they can be introduced later. In the case of retail (to which the parking business was likened in Tallinn—unsuccessfully as it turned out—in the city ordinance from 1999), for instance, the registration could be subject to scrutinising one's previous business activity. Failure to comply with local government rules could mean that the business's retail licence is not renewed.

The registration of economic activities in Estonia, subject to by laws, include retail, various repair services (of watches, cars, home appliances), installation and maintenance (of furniture, windows), funeral services, photography services and so forth. The list contains also storage services of various movables, which, as an article in the manual notes, includes parking services.[63] Indeed, Tallinn Airport, for instance, has registered its operation of car parks. Under Statistical Classification of Economic Activities in the European Community (abbreviated from French as NACE) code 52211 (defined in Estonia as 'activities of parking') a total of 69 companies have registered parking as their business activity. This list, though, does not include the three businesses under discussion here. Despite this, the three businesses characterise themselves using NACE code 52211 in their Annual Reports, which suggests that they are not different businesses in their substance but only in terms of the way in which they have managed to locate themselves in relation to the law. So under this logic, not every parking lot operating as a business is the same phenomena: some need regulations and others do not. This perspective is supported by government actors. An explanatory note to the Commercial Activities Act (Ministry of Economic Affairs and Communications, 2008, p. 2; my translation), for instance, explains that 'if a person gives a land plot to rent for car parking, then this is not a service activity in the sense of commercial activities law because services related to real estate activities are not regulated by commercial activities law.' This law defines the difference between parking businesses not based on

[63] http://mtr.mkm.ee/failid/juhendid/1_Kaubandus_juhend_eng.pdf, last accessed 25 May 2014.

the physical characteristics of the parking activity but merely in relation to the legal framework: parking garages and parking lots discussed here operate under different legal understandings. Thus, the law quite explicitly positions parking lots on derelict land outside the levers of municipal regulations.

The city does not have an official database of parking lots operated by off-street parking businesses nor does it store information on the number of parking spaces and other of their characteristics. Although a city department formed a database itself by mapping the parking lots through direct observation[64], this is not a 'database' as a 'registry'. A registry would need to be regularly updated and revised whereas the data produced by the city is a one-time activity for getting an overview of the extent of the phenomenon. Such a database is merely a monitoring device and if not linked to the need of registration and certain requirements that businesses must follow, then it is not itself capable of governing the behaviour of the parking businesses.

To conclude this discussion, it appears that whereas in the case of parking standards, history provided the state with capabilities to intervene, in the case of private parking lots, historical development has not offered solutions for municipal regulations. Such private businesses did not exist in the Soviet time, and were also relatively inactive in 1990s while becoming a significant business as late as 2008 when the real estate development encountered a major downturn and projects were halted leaving land plots available for parking business. Even though the city has tried to apply the governing tool of registration to order these activities, this action was contested on the grounds that the business operates under a different legal framework (rental agreements) and was thus ultimately unsuccessful. Two respondents—a representative of a business and a city official[65]—referred to a court decision in 2004 that stabilised the definition of parking business as non-retail activity and the situation whereby parking businesses on derelict land remain outside the state regulation has thus remained. Unfortunately I was unable to obtain the court decision, as first level courts do not store decisions that were made more than seven years ago (only all of the Supreme Court decisions are stored; see Section 5.2.3). Before moving to the discussion about the ways in which off-street parking business is slowly becoming subject to regulations, the following section

[64] According to interview no. 12 (29 February 2012)

[65] Interview no. 1 (4 April 2011) and interview no. 47 (4 April 2013)

discusses an important element of materiality at work in defining the existence of the 'legal void'. While in this section I discussed the governing tool of registration, the following section offers an insight into urban planning in relation to materiality of private parking businesses.

7.3.3 The material conditions of the legal void

The legal void described in this chapter rests not only on the legal system being unable to comprehend a phenomenon (showed in the previous section) but also on certain material dispositions supporting incapacities to regulate. In the case here, the choice of materials used for parking lots equals the choice of being regulated or not. This section therefore aims to consider a specific way in which materiality matters for governing. The tools of governing appear to be related to the ways of materialisation. The comprehension of off-street parking business by the legal apparatus can be summarised in the following two statements (a and b) which lead to the situation whereby they are not part of urban planning regulatory tools (statement c):

(a) Parking businesses can exist on a land plot without a permanent cover.

(b) The land plot without a permanent cover cannot be comprehended as an object for urban planning.

(c) If (a) AND (b) then (c): if both conditions (a and b) are fulfilled then some of the parking businesses are not subject for urban planning.

The statement (a) suggests that a parking business could be operated on land plots without pavement or any form of permanent cover. Such parking lots could exist in many circumstances. One of the respondents gave an example of temporary parking lots for out of town festivals or concerts when a patch of field is sealed off and offered for car parking[66]. Such parking lots are not officially planned in Estonia and can be created merely by a decision of the land owner. According to laws in the country, parking on green areas is allowed with the permission of the land owner (see also Chapter 8). In cases of the parking lots discussed in this section—whereby, moreover, the plots are often not 'green' anymore (or have never been)—the permission of the landowner is

[66] Interview no. 19 (14 April 2012)

part of the business deal. The statement (a) thus formulates that parking in Estonia is not an activity that would require a specially prepared surface and could legally take place anywhere being only subject to the opinion of the landowner.

Statement (b) points out the way in which urban planning's task in Estonia is conceptualised: urban planning is about permanent structures that are constructed. Even though a parcel of land is subject to urban planning in many ways all the time—for instance, every point of the city is inscribed with a certain function (that is zoned) by the Comprehensive Plan and many of the land parcels have a function designated by the Detailed Plan—such urban planning is merely an act of words rather than reflecting action on the ground. That is, if a land plot has, for instance, a residential function but stays empty with construction process delayed then it could be used for other functions. A thing that is described as a 'construction' according to the law is something that is more substantial in the ways they are constructed than parking lots are. A land plot covered with gravel is not seen as a 'construction' in Estonia and not subject to urban planning tools.

The statement (c), therefore, captures the interplay of how car parking is comprehended and what the conceptualisation of urban planning is in the country. The parking business has managed to generate a profitable activity inside this gap. The gap is not merely a legal void in the sense of missing words and semantic constructions in the legal apparatus but is also an urban void (as discussed in Jakle and Sculle, 2004) whereby the 'void' between buildings, streets and green spaces leads to the incapacity to use existing governmental devices. The head of the Planning Department summarised this conundrum about those parking lots[67]:

> There are probably some regulations missing in Estonia, gaps in legal documents. In my opinion they are completely illegal, because, well, they don't have any building permit. Reportedly they don't need one even. … But we don't deal with them because nothing is planned there. Covered with gravel simply.

In that statement, the lack of regulations and the nature of the surface materiality become the same thing. Governmental action is thus linked to the materiality of the

[67] Interview no. 36 (18 September 2012)

surface here, whereby tarmac equals the right for governmental capability and gravel not.

Such links between the activities in physical space and the governmental framework constitute the apparatuses of governing and manifest themselves in other instances of urban planning in Estonia. For instance, urban planning in Estonia uses two key textual actors: the building permit and the detailed plan. In principle, the logic for differentiating between those two is simple: every new development needs a detailed plan that has to be agreed upon by the city government while the building permit is given out in accordance with this document when the actual construction starts. Nevertheless, the real world is diverse and there are instances where the order of procedure is diverted. For instance, whereas construction of a smaller summer house would require a detailed plan, constructing a motorway junction does not and could not be limited by public voice in the process of detailed planning—it requires merely a building permission[68]. Building permission is given via a closed procedure inside the state apparatus, whereas the Detailed Plan requires at least some amount of public engagement with the affected community although the construction of roads tends to cause more worries among the public than the building of a summer house. But the question here is not so much the difference between these two procedures as such, but more the fact that the parking business under scrutiny falls outside of any of the available planning tools, even the most basic of these, that is, building permission. Thus, while new buildings and constructions, even the smallest of those (e.g., parking lots built by flat-owner associations, see Chapter 8), require building permission, parking lots in this chapter are one of the exceptional spaces falling outside the purview of any of the urban planning tools.

In addition to the logical process for the way in which the state apparatus comprehends parking, the physical parameters of parking lots are important for the parking businesses to keep their capacity to manoeuvre. For the landowner the plot is in limbo awaiting development. Thus, owners do not want to acquire permission from the local government or the central state authorities, as that would delay the process of opening and closing a parking lot. The use must be temporary and quickly adaptable. Keeping the plots unpaved—covered merely with gravel—has a financial logic, as paving the

[68] Acknowledged as a problem by an interviewed member of parliament (Interview no. 25; 11 June 2012)

surface would increase the delay for getting a business opened (and closed) and would raise the costs of its opening in a situation when it is not known for how long the land plot would be a parking lot. The surface material, then, manifests (im)permanence. However, the (im)permanence does not result so much from the difference in the physical parameters of diverse materialities, but rather from the way in which the financial rationale in relation to the workings of the legal and administrative framework depends on the characteristics of the physical environment. Both the cost and legal complications render tarmac too permanent for this business that hence relies on the gravel as sufficiently impermanent.

To conclude, this parking business exists in the 'legal void' whereby the existing regulations of the legal apparatus designate them outside the need for registration and do not subject them to the tools of urban planning. The legal void relies on the structure of the legal framework where parking businesses identified a manoeuvre that posited them outside the need to register. But the existence of a legal void in this case is also conditioned by the materiality of the urban fabric. If the parking lots' surface would have had or would have needed to be materialised in a more permanent form, the legal void would not have existed. The discussion of materiality, thus, showed here that different materialities in the process of governing are not merely physical 'nuts-and-bolts' (see the critical comments of such analysis of materiality in Latham and McCormack, 2004) but also gain their character from their comprehension by the legal system. Namely, planning law in Estonia has omitted surfaces covered with gravel from its regulatory scope.

Yet, despite the ongoing incapacity to regulate these spaces, there are some ways in which governmental authorities can regulate those spaces and some ways in which they have been able to draw those parking spaces into a more stringent regulatory framework.

7.3.4 The state trying to make a currently legal but unregulated activity governable

In order for activity to become part of governing, it must first be comprehended in the dichotomy of legal/illegal with certain ways of carrying out the activity being defined as 'illegal'. However, nothing is 'illegal' naturally. Becoming illegal occurs in a process whereby the question is not just about technical procedures of law but includes concerns

as to what is normal practice. Defining this private parking business as illegal would thus mean changing the interpretation of certain aspects of activity. That is, as in this case, the for-profit parking business could be conceptualised as needing permission from the local state subject to certain conditions such as requiring particular surface material (and concomitantly making activities without the permission 'illegal'). Also, the contract between the parker and the business could be required to be settled in a different way than merely by the act of driving by a traffic sign, thus making previous ways of operating problematic. Before discussing the process of re-defining the parking business, I offer some comments on the border between privately owned land and state action, as this is more porous than it might have appeared in the preceding discussion of the Section 7.3.

Even though the parking business remains largely outside urban planning tools, the local government still has access to regulate the property, albeit in a limited way. Namely, the Road Act (Riigikogu, 1999) accords a buffer of up to 10 metres around streets which in the case of Tallinn are still mostly owned by the city. The city has at least the capacity to direct what can be done in this buffer zone. For instance, the city has some right to prescribe what signs at the entrance to the parking lot should look like and, at least in some cases, to limit the ways in which parking lots are advertised. The unification of entrance signage of private parking lots among the three big companies—making them 'look like children in kindergarten' as one private company noted ironically[69]—was reported as a major success by a municipality official[70]. Still, even though it is a regulation showing the possibility for intervention by the local government, it is a slight intervention. It does not change significantly how the business operates or say which plots they can use or how many parking lots they can provide. The ten metres buffer is the currently accepted legal limit of municipal intervention to how those private parking businesses can operate and in what ways their physical elements are planned.

The city, however, would like to extend its influence. The desire to gain more power in regulating the private parking business in order to improve the physical appearance and

[69] Interview no. 41 (2 April 2013)

[70] Interview no. 12 (29 February 2012)

condition of the parking lots (such as adding oil collectors) has led the municipality to initiate efforts that would re-define the nature of the surface on those land plots.

Trying to re-define the surface

The re-definition of surface is dealing with the 'statement a' outlined in Section 7.3.3. By claiming the existing surface material—gravel—to be problematic as a basis for a publicly operated business, the city would gain the capacity to direct such parking operations via urban planning tools ('statement c' in Section 7.3.3).

The city of Tallinn has sought to remake the type of surface that a public parking lot can have by inserting a clause (no. 13 in article 5) to the city's Rules for the Maintenance of Good Order (*Heakorra Eeskiri*) stating (Tallinn City Council, 2011; my translation): '[Property and building owner's responsibilities for assuring good order is to] avoid the dispersal of mud and debris to pavement and road as well as to the neighbouring lot from the land plot, including one where a parking service is offered.' This clause was introduced in 2011 with the aim to achieve regulatory capabilities over unregulated private parking lots. A critical observer could see this action by the local state as an informal practice itself, disregarding the currently legal situation of private parking lots by defining them as illegal and making them subject to regulation. It seems as though the city enacts a miniature form of the 'state of exception' (Agamben, 2005). This additional clause was indeed added in order to give municipality a governing tool in a particular matter. However, merely adding words to a by-law has not been enough to make unorganised private parking lots governed. The 'void' results from the ways in which regulations are set in the more general legal framework. The wider legal apparatus delineates which activities may be governed by local government (not these parking lots) and what material conditions would justify such regulations (not plots covered with gravel). The logic of 'if (a) and (b) then (c)' as described in Chapter 7.3.3 has thus still remained present.

The attempt to re-define what the city government can regulate

The most recent attempt to achieve regulatory capabilities has been to remake the legal definition of a 'road'. This is something that a local government cannot do on its own but that needs to be done within the system of law. It is a more classical instance of

loophole fixing. Apparently, or at least so the logic went, the problem was caused by the different treatment of 'road' in the law. While on the one hand, privately owned roads act as 'public roads' in the sense that the Traffic Act operates there to the same extent as on a road in local or state authorities' ownership, on the other hand, there have been no regulations in the Construction Act designating what kind of quality they should have. Furthermore, it has been significant that private parking lots were explicitly brought out in an explanatory note justifying this law change. The explanatory note[71] states: 'For instance, it is not possible to give private parking lots permission for road construction or project conditions because there is no such requirement.' Even though the legal change is visibly driven by the aim to regulate private parking lots it aims to make governable a wider field of activities that includes not only private parking lots but also privately owned roads. For this reason it appears more like 'fixing a loophole' than the regulation that the local government sought. In principle, it allows local government the use of technologies of governance that it already possesses but was legally curtailed from using in certain circumstances. This increased power of local governments in Estonia could result in the removal of some of the parking lots[72].

One can criticise such efforts to fix the loophole in laws as excessive state power that once again tries to work its way around the legally accepted situation, as pointed out above in relation to the municipal ordinance. It must be reminded that even though the local government does not regulate them, private parking lots are legal. However, if such things as 'loopholes' exist, then one has to admit that every effort to fix a loophole is also to a certain extent about dodging the existing legality: the formality exists but is seen by some state authorities as informality which necessitates state action.

Even though there is no proper match to the English word 'informal' in Estonian, the informality of these parking lots is what the governors seem to be concerned about. The head of a planning department defined these parking lots as outright 'illegal'[73] and other

[71] Noted in "Ehitusseadustiku eelnõu seletuskiri" (21 February 2012; my translation) [the explanatory note to the proposed revisions of the Construction Act]. This is an unpublished material (available from the author upon request).

[72] The revision of construction and planning laws suggested many changes. However, the revision process has run into complications due to critique from various interested stakeholders. As of May 2014, thus, the legal change to make the private parking business governable has not succeeded.

[73] Interview no. 36 (18 September 2012)

municipality officials have referred to the problem emanating from the disorderly and unregulated character of the parking lots. However, the precise definition of 'informal' depends on what is seen as a normal 'state of affairs'. For instance, regulating the number of parking lots in new developments has been normalised as was shown in the first half of the chapter in relation to the parking standards and the same applies for both overground and underground parking garages whether opened for public or not. The city expected regulation to be normal also in the case of the provision of public parking lots on whatever form of land and has been actively searching ways to 'normalise' the regulatory framework.

However, the 'normal' is a slightly more complicated condition. The failure to regulate those private parking lots has provided citizens more parking spaces that are, at least partly, seen as desirable by the city authorities. In an interview, the Head of Transport Department[74]even admitted:

> Well, actually, our aims are achieved; we want that on the city land there would be as short term parking as possible and outside of that would be long term parking whether it is in parking garages or elsewhere. That aim is achieved because parking operators offer remarkably cheaper service than parking on the city areas.

He admitted the desire to reduce parking on city streets in order to give space for the flow of moving vehicles but also supported the increased provision by rationalising the way in which private operators have offered more and cheaper parking spaces. The city has indeed not been vigorous in achieving the reduction in parking lots to discourage car use in the centre as was highlighted by the pragmatic use of parking caps in Section 7.2.2. In the case of private parking lots the primary concern by the city government has been the visually blighting character of the sites and simply the fact that there is some transport-related business in the city centre outside the city's governing capacities. In the statements made by the city government regarding private parking lots, sustainable mobility has not been positioned as a dominant concern. The existence of such unorganised parking spaces appears for officials, then, as a failure to regulate how things should be done in the city—that is, what should be the 'character' of parking lots—rather than the failure to direct the choice of transport mode, which is the starting

[74] Interview no. 40 (25 September 2012).

point for the critique of those parking spaces by most transport experts in the city. Nonetheless, the city aims to gain the capacity to regulate them.

The local government might not gain the capacity to regulate through lobbying with other executive and legislative state authorities; rather, the way in which the parking business relates to the freedom of individuals has raised concerns that encourage the city to become more involved in governing private parking lots.

7.3.5 The illegality emerging from the preferred ways of governing automobility

As private parking operators are not only those who are governed but are also themselves institutions who govern, their governmental procedures can come under question from the perspective of the subjects of governing. In this case, there is an interaction between the state and an individual where the state could act as the one who protects an individual against the unacceptable governing practices of another private actor. The state, thus, is not only the one that restricts freedom but some of the institutions—such as those protecting the Constitution—are also the main entities ensuring that the freedom is provided. Such a role for the state has emerged in relation to the private parking business.

However, even in this case, the critique by drivers has not exhausted its full potential and has still been largely favourable towards the private parking business. For instance, privately operated parking businesses are following different principles than municipal ones, and disregard some of the state-wide regulations favouring car drivers and applying for parking spaces owned by the local government. Firstly, even though the law requires the first 15 minutes of parking to be free in the state-owned parking areas since 2002—in order to give car drivers time to search for the ticket machine and pay for the parking—such a principle does not apply for private parking lots where every second of parking is paid for. Secondly, whereas blue badge holders—that is, disabled people—do not have to pay for parking and can even park on the pavement if they leave 1.5 metres free for pedestrians on city or central government owned land plots, they do not hold such rights on private parking lots. In fact, they are exactly the same as any other car driver there. Although many drivers consider these governmental practices of

private businesses negatively[75] this has still not led to a wider public critique of the private parking business. Whereas the city has easily become a target, the private business has managed to escape the strongest critique. In January 2011, for instance, I observed how the city was the subject of public outcry—and an avalanche of opinion pieces in media—because it started to charge for every 15 minutes with mobile payments rather than for every minute it used to do before. However, nobody made critical comments towards private businesses that also had this practice of charging (with one hour the minimum unit of payment). Nevertheless, some critique towards private businesses has emerged from the point of view of those who have failed to pay for parking.

In general, the system of catching those who do not pay or fail to do so in private parking lots is built on a penalty fine (*leppetrahv*) whereby businesses presume a contract to be signed between themselves and car users by which non-compliance can be penalised. However, private parking businesses have to deal with the same problem that the municipality had to as was described in the Chapter 6: how to link a car to its driver. Nevertheless, they have to deal with an even more basic problem than a local government. Namely, they have faced problems of acquiring information about whose name is behind the number written on vehicle number plate. While initially they achieved the task through the Vehicle Registry, which is held and governed by a state authority, individual data protection that restricts releasing the car owner's name and address to a third party led to problems for the parking business. At first, the Vehicle Registry invented a way around this. In an *ad hoc* procedure, a parking operator sent an envelope with the fine enclosed and with the vehicle number printed on the envelope to the Vehicle Registry, who then simply pasted an address from its database on the envelope and forwarded it to the vehicle owner. In 2010, however, this procedures was considered 'against principal rights and freedoms' by the Chancellor of Justice (2010) leading eventually to parking operators failing to have any possible link between the vehicle plate number and the owner's contact address. One of the companies decided to start a court proceeding to demand access to the data but failed in the first level court with the court ruling that there are other ways in which the parking can be regulated

[75] Interactions with drivers in the fieldwork. Also comments in the web-based newspaper stories.

without the need to send a fine to the vehicle owner, for instance, by using a boom barrier (Tallinn Circuit Court, 2012)[76].

Following such court deliberation, there are two possible outcomes. The businesses can resort to wheel clamps which even though they were unconstitutional for state authorities (see Chapter 6), are legal for parking businesses. The use of another governing method—such as an informal database of those who have paid for parking, their mobile phone numbers and, if available, data about car owners gathered from internet (from car sale websites, for instance)—to send penalty charges is already close to bullying. First of all, such penalty charges are often sent to those not liable for payment (for instance, the previous owner of a car bought second hand). But also, as companies do not usually know the name behind the phone number from which the payment was made, their use of texting tactics to demand payment of the fine is a threatening strategy: if the person pays, it is successful; if not, they cannot do much about it.

Such practices by private businesses, nevertheless, have not led to similar resentment and legal challenge as the state practices elaborated in Chapter 6. While it is true that many car drivers hold negative feelings towards companies, there has not been a sustained legal challenge against their practices. Currently there is a limited amount of disobedience by drivers to the rules imposed by parking operators: two companies cited about a 95 per cent rate of payment. Additionally, the companies want to be client oriented: as one of the executives of a business declared, 'we want to be a client centred company and sell the service, we don't want to go and harass'[77]. Thus, restrictive measures such as wheel clamps have been used only on those who are recurrent violators, rather than making this device the primary way in which companies deal with violators[78].

Nevertheless, the legal questioning of the business has opened the door to a more general challenge towards such public parking services. The business has a right to govern parkers only when there is a contract between a driver/car owner and the

[76] The case is still in process as the company appealed.

[77] Interview no. 41 (2 April 2013)

[78] Which became the case in England and Wales before legal change in 2012 (see Section 6.3).

business.[79] The current legal conception by the parking business functions through a contract which is considered to be signed between a car driver and a parking operator automatically when the car drives past signs at the entrance. Those signs set out a list of conditions that a parker must follow and measures that the parking company can take in case the rules are broken. If it is accepted that the contract has been signed, parking businesses can easily take the measures they have listed in the contract (that is, on the sign). As this is currently the case, businesses utilise penalty fines, wheel clamps and even towing. However, if the contract is considered not to have been signed, then the land owner may only resort to calling the police or going to court to remove an 'intruder' from the land plot. In this case, the business would not be able to effectively operate.

In summary, if the legal basis on which the businesses perceived their companies to be run—which, as they claimed in interviews, had been discussed with law firms—is not actually existing and there is no way that non-payers could or perhaps even should be punished, it means that this business would occupy a space on the border between legality and illegality. At the moment, the legal assessment is sustained and the businesses have not crossed the fragile and porous, yet definitive border separating legal from illegal. If they do cross it, then the only way to leave a land plot in limbo for development is either to simply fence it off and restrict access to everyone or to configure the land plot into a parking lot in a manner fully complicit with the municipality's regulations. Such a complicit way of organising would most likely mean using entrance barriers—as the court case I referred to above suggested[80]—and providing a proper surface covering. As stated above, this would significantly change the business environment for parking and make some of the parking lots unprofitable. But with these legal deliberations, the city would emerge as an important actor in directing where and in what conditions parking business can operate. By mid-2014, however, nothing is yet settled in the issue of the private parking business.

[79] Interview no. 19 (14 April 2012)

[80] Court case and supported also by the country's leading traffic lawyer (Interview no. 19; 14 April 2012).

7.4 Chapter conclusion

This chapter discussed regulations of car parking on privately owned land in Tallinn. The chapter showed local government in Estonia to be at the same time powerful and weak in relation to regulating urban land use. In the instance of parking standards, the municipality possessed a significant strength while the governmental technologies possessed by the local government turned out to be of no use at all in relation to the parking business operating on empty land plots. The directive diagram possessed by the city (as discussed in Section 3.2) was both extensive and legally muddled. This situation resulted, as was shown in the chapter, from two factors: post-socialism and materiality.

In terms of post-socialism, the continuity of parking standards from the socialist times to the contemporary urban planning in Estonia (with some change shaped by international norms) has made this governing technique natural and normal. Regarding new developments, then, the Soviet practice of designating certain number of parking spaces to certain building parameters has remained an accepted governmental practice and despite some critique, a strong technology of the local state. The private parking business, however, has become a concern for government only in the last years and its subjection to regulations has not been so easily taken for granted. Whereas the local state wants to govern private parking lots, the way that they are framed in relation to the law currently positions them outside the levers—such as urban planning tools—available for a municipality in Estonia and raises even questions whether these spaces should be regulated by cities at all.

Materiality has also been a factor influencing the ways in which the strong and weak state has panned out in relation to parking governing on private land. In particular the surface material has an importance. Not having and not needing a ‘proper’ surface coating made private parking lots on empty plots ungovernable by the local state. With surface merely gravel and no more substantial construction carried out, these land plots were not ‘construction’ in terms of law. It was thus impossible for the Tallinn municipality to regulate them despite their ‘will to govern’. These parking businesses have carved out a ‘legal void’ from the form of their material presence in the city. Materiality, thus, has participated in governing frameworks being a factor that is capable in changing the ways in which activities are comprehended by the state apparatus.

This chapter showed that instead of the continuous success of the 'will to govern' of urban governing that is assumed by some scholars (e.g., Blomley, 2011; Jones et al., 2010, 2013; Valverde, 2012), we should attend to the multiple factors that influence the effectiveness of governing procedures. While some of the parking activities are tightly regulated, others fall into a 'legal void'. 'Legal void' captures the situation whereby an activity is at the same time both legal and unregulated whereby the non-regulation is to a certain extent conceptualised as 'normality'. To become regulated, the activity must be internally differentiated in such a way that certain aspects of the activity are illegal. This, then, allows conditions to be set up which have to be followed in order for the activity to be legal and thus to exist. These conditions include registration, licensing, the need to follow standards, consultation with authorities, etc. At the moment, in the case of the private parking lots that were discussed in Section 7.3, such conditions do not exist and the business remains outside local government influence.

The following chapter extends the discussions of the law and regulation of parking from the point of view of material governmentality and post-socialism by looking at the interaction between the continuity of the socialist architectural forms; the changes of urban mobility from collective modes to individual cars; and emerging forms of governing that favour individualised responsibility. While this chapter dealt with the 'legal void' (legal but unregulated) emerging from material conditions and historical changes and continuities, then the next chapter deals with phenomenon that is strictly speaking illegal but not fully enforced by the local government and is even legalised and regulated in order to deal with the problem of lacking parking space in areas planned for socialist concepts of mobility. Thus, the case in the next chapter is closer to a-legality (Lindahl, 2008, 2010, 2013) suggesting a different order of legal/illegal with new rationales directing the border between the two polar categories.

8 The material governmentality of the ‘parking problem’ in the Soviet housing estates

> Parking problems [in housing estates] are a direct consequence of the growth of car ownership in combination with too few parking spaces, although the large green public spaces provide a solution that cannot be found in inner city areas. (Dekker and van Kempen, 2005, p. 39)

8.1 Introduction

Both of the previous chapters focused primarily on parking in the central areas of the city. This chapter, however, discusses districts built in the outskirts of the city from the 1960s until the collapse of the Soviet Union in 1991. These areas—even though they do not form a location for travel from all over the city as the central districts—have been unable to accommodate the increase of car ownership that has taken place as early as the Soviet times but that increased rapidly from 1991 onwards. What makes the case in this chapter noteworthy is the way in which residents have found their own solutions to the so-called ‘parking problem’ which reportedly is one of the main issues for *Mustamäe* residents; it is only slightly superseded by the living expenses (Heidmets and Liik, 2012). But the local state is also in many ways active and directing solutions to the ‘parking problem’ even if only with the active involvement of citizens.

The case investigated in this chapter is as follows. Residents have parked their cars on (what used to be) grass, thereby collectively transforming it into parking lots. Such gradual and informal adaptation of space has nevertheless been supported by the city, which instead of enforcing legal norms that restrict parking on green areas, has instead accepted such a situation as well as legalised and in other ways formalised it. Thus, the adaptation of the neighbourhood by cars and the city’s support for it has generated a new vision of space in the housing estates, whereby instead of the automobility restrictions devised in the Soviet years, cars now hold a more prominent position. On the one hand, then, the change is a physical alteration of space from a car-restricted to a car-dominated urban environment. On the other hand, the change has also been institutional from centralised to more individualised governing approaches. I analyse these changes here through two key notions of this thesis—material governmentality and post-socialism—to unpack the complex process of physical and institutional change in the housing estates and to show how materiality as well as ‘history’ matters for the

choices of governmental techniques which here exhibit characteristics of 'neo-liberalism'.

In Estonia as elsewhere in the CEE the shift has been towards less centralised governing with increasing importance of individual responsibility and market forces. Chapter 6, thus, showed the dislike towards strong state on the grounds of property and individual rights, and Chapter 7 highlighted the complexities for a local government to regulate private parking business on privately owned land. Both of these chapters dealt with governing tools that were mainly exhibiting the directive diagram of the local government as drawn out in Section 3.2. Such a diagram was most visible and successful in the case of parking standards (Section 7.2), but was often in contradiction with legal logic (as shown in Chapter 6 and Section 7.3). In this chapter, the administrative logic applies the liberal diagram utilising the freedom of individuals and, in particular, communities, as a way of governing (Cruikshank, 1999; Rose, 1999; Tally, 1999). Such 'government through community' (Cheshire et al., 2009; Lanz, 2013; Raco and Imrie, 2000; Rose, 1999) involves 'the building of responsible communities, prepared to invest in themselves' (Rose, 1999, p. 136). Nevertheless, the freedom of communities was still directed in many ways by the local state that intervened through policy and funding, aiming to achieve certain ends (the formalisation of parking lots). The existence of such direction of the city owes much to the materiality of housing estates.

Previously, Collier (2011) has brought together material environment, neo-liberal ideas and governmentality in the post-Soviet context, and this provides a useful starting point for the analysis here. According to Collier, the materiality of the Soviet urban space (a residential space in a Russian industrial town in his example) is an obstacle to neo-liberal ideas of individualising governing and management. This chapter highlights the point by attending to the physical environment of a Soviet housing estate. The physical layout of housing estates—with roads, trees, playgrounds and parking lots in shared use between various buildings and borders complicated by the superblock urban plan—has favoured centralised control. However, rather than arguing for the continuation of Soviet state practices as a result of the physical space as Collier (2011) does, this chapter sees state control as only one aspect of the governing model, as it is brought together with individualised governing on the level of apartment buildings. The local state, thus, governs the construction of parking lots but does so by supporting flat-

owners' association (FOAs) to formalise what the drivers have informally created. The emergence of FOAs as active governors, however, owes to post-socialist processes.

This discussion, thus, draws analytically on the term 'post-socialism' by highlighting the connections between continuity of socialist spatial forms (the physical layout of housing estates) and post-socialist changes and anti-continuities such as privatisation, increasing car use and diminishing importance of the state with concomitant value placed on individual responsibility. As the case reveals, although the local state acts in housing estates by providing financial and institutional support, it acts only through FOAs. In the society with diminished capacities of local states, the centralised control that housing estates require due to their material form has ended up as government through communities—flat-owners' associations—in practice. Rather than developing radically new plans or challenging the car domination in housing estates, the city government of Tallinn has accepted the already informally created solutions and merely formalised them. This chapter thus attends to the analytical framework of neo-liberalism by showing how instead of purely ideological calculations, governing is dependent on the materiality (the physical plan of the space) as well as a pragmatic response to the ways in which decisions have been sequenced.

The chapter takes the task of unpacking the concomitant nature of physical and material changes in the city through three steps. First, it defines the housing estate 'parking problem' that the chapter deals with and shows how residents have tackled it. This step lays the groundwork for seeing governing as a material endeavour by paying attention to the forces of cars and the malleability of grass. Second, the chapter draws out the material background for the emergence of the 'problem' and for the choice of solution by looking into the original urban planning ideas behind housing estates. Third, in the last section the chapter deals with the city's response to the 'parking problem' by showing the individualised governing approach at work along with the continuing presence of the state.

8.2 The housing estate 'parking problem'

> If the parking problem is ignored, the tenants will probably park their cars on the perimeter streets and beyond, so far as needed, possibly in violation of current or unforeseen future local regulations and certainly to the detriment of other neighbourhood residents. (National Housing Agency, 1946, p. 38)

Although the quote above is by an American housing association and is from the year 1946 it captures precisely what happened in Tallinn's housing estates after the fall of the Soviet Union in 1991. With the areas incapable of accommodating the increasing number of individual cars, the space has been adapted by parked cars. This has been going on mainly in an unorganised way, not overseen or managed by any central authority, including the local government (see Figure 8.1). The way in which cars have ended up taking over space is what is defined as a 'parking problem' by both residents and government officials alike. Still, even though the problem is defined in the same way, there are two different ways in which the cause of the problem, and thus also the solution, is seen. On the one hand, the problem is seen—mainly by residents and also by the city authorities—as the lack of parking lots. This perspective takes the increase in car ownership as a natural phenomenon and space as amenable to serve that trend. On the other hand, some of the actors concerned with the sustainable mobility perceive the problem to stem from the number of cars, and the solution to do with the management of parking activity which might include paid parking or parking restrictions to limit car use.

Figure 8.1. Cars parking on the edge of green areas. Source: Author's photo.

Below are two pictures (Figure 8.2) that show these logics at work. The photo on the left hand side depicts the current situation where cars are parking in a row alongside the front of the building (see also Figure 8.1 above). Although in some places, cars have penetrated much deeper into the courtyard and taken over spaces used for other

functions[81], in general they have remained parked alongside the edges of green space. In this way, still, much space is left for other functions besides parking. In contrast, the photo on the right of the Figure 8.2 is from Mustamäe General Plan (E-Konsult and AB Koot & Koot, 2006) and depicts a sample design plan for one site. In that case the whole of the inner courtyard would remain for pedestrians while cars are parked alongside a larger street (see red blocks drawn alongside roads in the picture on the right on Figure 8.2). In many ways it follows the underlying design logic of these housing estates—parking on the edges and as little traffic as possible close to the buildings (discussed more in Section 8.3). The planner who proposed this idea, and whom I interviewed for the research[82], exhibited awareness of many innovative traffic planning ideas he had learnt at a university in another country (Germany) and through his own working practice. Nevertheless, even though this plan was exhibited in the General Plan, it has never materialised and has not become a general guiding principle for the future practice of governing the area. An urban planner employed by the city[83], for instance, expressed her concerns about the plan as cars would be out of sight of their owners and, additionally, she claimed the need for children playgrounds to be less crucial than the need for parking lots.

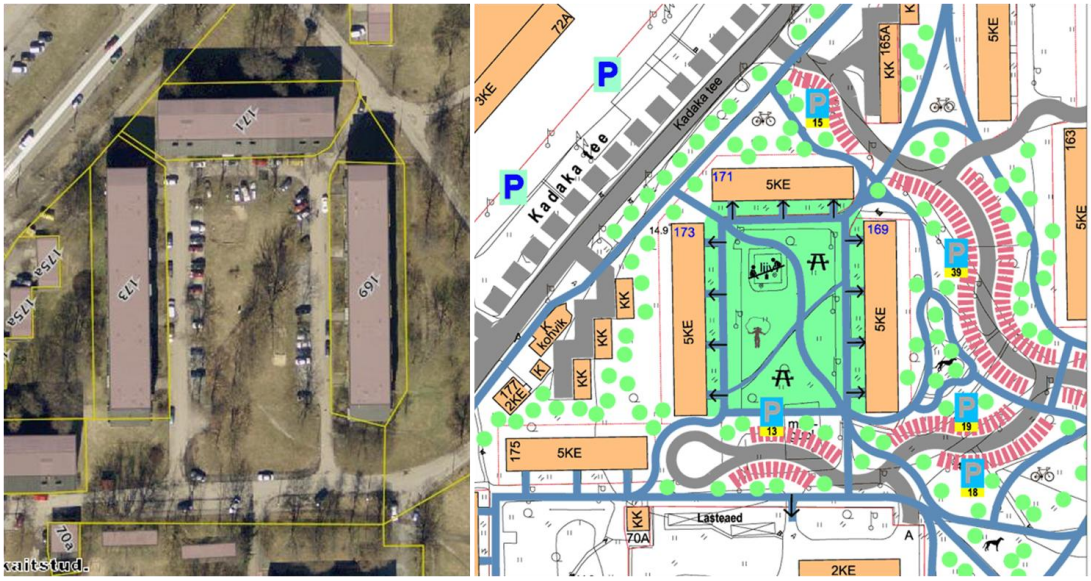

Figure 8.2. The current situation of parking (left) and the vision in the Mustamäe General Plan from 2006 (right). Sources: www.maaamet.ee (left) and E-Konsult, 2006.

[81] Basketball courts, for instance, even though not all those spaces have been actively in their intended use

[82] Interview no. 15 (14 March 2012)

[83] Interview no. 23 (7 May 2012)

The planner also echoed the position that the city holds: flat-owner associations (FOAs) themselves should be active themselves and take initiative in organising urban space around their buildings. In practice, and with city's encouragement, this has meant the formalisation of the parking spaces that cars have already taken over. I will return to that point more thoroughly in Section 8.4.

8.2.1 The malleability of grass

While Minuchin (2013) notes how certain materials such as reinforced concrete allowed large-scale urban imaginations to be constructed, the materiality of grass allows new visions to materialise by being itself malleable to continual change. The material force of cars has been stronger than the force of the Soviet physical design of housing estates: rather than providing limits to the increase of car use, the physical environment with large grass fields has turned out to be amenable to transformation by parked cars. The lack of formal parking spaces did not restrict residents to acquire more cars and the space has been gradually adapted for automobiles. The regular occurrence of parking has slowly transformed the surface from grass to mud (see Figure 8.3).

While in some cases governors have chosen to issue fines— for instance when cars extensively violate norms by parking on basketball courts—in the majority of the cases where cars are parked on the edge of the lawn, officials have refrained from issuing fines, even though they could easily spend a day ticketing parked cars in housing estates. With cars having turned grass into mud, such space has become a different entity for governors.

Figure 8.3. The transformation of grass in progress. Left – a picture from winter of cars parking on 'grass'. Right – the result of such activity. Source: Author's photos.

Part of the reason for non-fining by the local government is the socio-legal question of materiality. Namely, while parking on the green without consent from the owner is a violation of Traffic Act (Riigikogu, 2010) article 21 and is enforced regularly, when no such 'green' materiality is visible any longer (as the surface has been transformed by parked cars so that it is no longer 'green' but mud) problems for officials emerge. An official interviewed for the research[84] expressed that he would be unable to verify whether the car is parking on greenery or not if its wheels are not directly on the 'grass-blades'. I showed him photos taken while walking in the housing estate, which I considered to be showing clear violations of traffic rules. For him, however, they appeared to show nothing significant because no wheel was on the grass-blade. The winter, furthermore, as he explained, makes the rule enforcement impossible because nobody will scrape the snow off to see what is under it. Drivers, thus, through the mediation of cars, have carved out space that is no longer considered what it was, but is now a parking lot. The malleability of grass to the recurring weight of cars has allowed the transformation of space to occur: grass has been transformed into mud and the mud is not the target of law enforcement.

Nevertheless, there are also factors at play other than the socio-legal question of grass. For example, as cars are increasingly accepted inside the blocks the organisation and understanding of the physical space moves further away from the underlying planning ideas of *Mustamäe*. The Scheme for Parking Provision (Tallinn City Government, 2012; my translation), which I introduce more fully in Section 8.4.3 below, admits that the construction of '[a]dditional parking spaces adjacent to dwellings takes place by reducing greenery and increasing somewhat the traffic in the residential quarter.' Moreover, new projects for parking lot renovation often contain pavements for pedestrians, suggesting an increase of elements that according to the superblock planning ideas are not even necessary: traffic should be scarce enough that pedestrians and cars can share the street space inside the block.

Thus, non-enforcement is not just the result of a socio-legal question of materiality but is also a manifestation of a new vision of urban space in the housing estates possessed by the local government, who works slowly towards making it a reality. The governing practices—such as decisions not to enforce parking on greenery/mud—that are *ad hoc*

[84] Interview no. 28 (12 July 2012)

and practical, still coagulate to an ideology about the way in which space is organised, who can use it and in what ways, and which actors should be responsible for the governing. The new vision of the space, as is claimed in this chapter, is not just something generated as an abstract idea but is significantly shaped by the physical and institutional conditions of housing estates. This takes the discussion back to the Soviet planning ideas and their sources of inspiration. Before moving on to discuss the governmental rationales behind the new vision of space for housing estates we need to understand the physical layout that this vision is adjusting and building on.

8.3 The internal plan of housing estates and its relation to transport

In order to understand the Soviet housing estates from this chapter's point of view and pay attention to the organisation of transport, we need to make two shifts in the ways of looking at them. Firstly, we should position Soviet housing estates within a global process of urban planning where they evoke ideas used in various other instances. Secondly, we should transform the dominant idea of housing estates as a collection of living spaces in a bleak environment, a perspective epitomised by the case of Pruitt-Igoe, and pay more attention to what was innovative in them. In order to pursue these two steps, I would like to start the discussion with a passage from a book written in 1979 in Tallinn, the Soviet Republic of Estonia, by a renowned Estonian writer. The actions of the book are set in the oldest housing estate in Tallinn, *Mustamäe*—the same area that is the focus of this chapter[85]—where six characters of the book are brought together not in a traditional narrative plot but rather through their shared everyday lives with additional thoughts about their environment added by the author. The following passage is by an architect who according to the script is a co-planner of *Mustamäe* and who aligns his thoughts with modernism.

> Architect Maurer knew very well that the city in which he lived [a Soviet housing estate] was an invention of the twentieth century. . . . Maurer also shared the opinion that the creation of a new town was inevitable. One had to get rid of the evils of the previous formation. Le Corbusier and his numerous followers in all the countries of the world explained why the old town grew outdated . . . The new towns had to be different . . . The dark, dirty courtyards would disappear. Air and sunshine would be accessible from all sides. . . . [However,] [b]uilding new towns came up against amazing, quite unpredictable obstacles. . . . For

[85] Mustamäe is built from 1964 to 1972 and is today home for about 68,000 inhabitants.

> example, at the beginning of the fifties, a real new town was built in the United States, in St. Louis. It sprang up on the site of a former dirty suburb. It was designed by the finest architects. … [But] [f]inally, the new town was almost empty. … The attempt to change society and living conditions in the USA was reported to have ended in the municipality's decision, in the mid-seventies, to blow up the abandoned dreamtown which had got out of control. This was the people's answer to their benefactors! … Maurer observed with astonishment how the architects of the new generation despised the City of the Sun … He remembered the sadness of a celebrated architect who liberated the outskirts of Rio de Janeiro from its squalid favelas and erected instead of them a beautiful, spacious, functional satellite town. Never again would hot-blooded samba rhythms ring here, the famous architect had sighed. And they hadn't. But the architect made his choice. He preferred human happiness to the samba. Had the choice been wrong? Maurer asked himself indignantly. Would it be better to prefer the samba to human happiness? Down with Mustamäe! Let's dance the *tuljak* between the vendors' stands on Stroomi Beach. This was what the new generation of architects wanted to do in Maurer's opinion … And they said the senseless large fields between the dull monsters that were the buildings were neither nature nor street, neither places nor spaces, neither roads nor squares. One could neither relax nor stroll there, neither lie down nor take a breath of fresh air, and the only idea they really seemed to suggest was that of drinking. Architect Maurer know very well that not everything had turned out perfectly at Mustamäe. … [But] Maurer hated nostalgia. … He preferred the Sun to the Moon. (Unt, 1985 [1979], p. 85–91)

In this text, one can recognise references to Pruitt-Igoe and what the character might have thought to be Brasília, there are references to Le Corbusier and Garden Cities, and one can also recognise Jane Jacobs and her critique of modernist planning. The book author's own position appears to be more ambivalent than the positions that the architect *Maurus* refers to. Even though, *Mustamäe* appears as a bleak environment—even the characters of the book do not really meet but rather coexist—the area is also a site for diverse lives each with their own particular challenge; it is a place for life.

Those two representations of the site—everyday but slightly hopeful, drawn in contrast to dystopian—echo the story of the Pruitt-Igoe (Bristol, 1991) that *Maurus* in his musings briefly stopped at. The short life-cycle of the Pruitt-Igoe housing project has become an exemplary case for the critique of modernist planning as it has offered various grounds for such a critical perspective. While large residential buildings grouped together, opened for the sun and surrounded by greenery was seen initially as a road to happiness by many architects, the consensus changed rapidly. For the critics, the design was to blame for this failure. The internal galleries designed to be corridors

attracted gangs and the lack of traditional streets resulted in the lack of supervision by parents. Nevertheless, not every analyst has reached the same conclusion in terms of the physical environment. Bristol (1991), for instance, seeks to debunk the myth and show how economic crisis and racial discrimination played a larger role in the demise of Pruitt-Igoe than the design features. If we accept this critique and agree that the social and economic conditions of the place are what really matters rather than the architectural form, then one might raise questions about whether materiality is really important.

Indeed, one should avoid 'physical determinism' and not jump from material manipulations of space to ideas of community. It is true that modernist planning concepts saw physical space as tied to the production of community which formed an easy target for critique due to the simplistic assumptions about the possible effects of physical design. Much of the critique on the neighbourhood unit has focused precisely on this (Brody, 2013, p. 341; see also Mumford, 1954). Yet we do not have to treat the influence of these designs in such radical ways.

One can reasonably agree that there are certain things that manipulated materiality allows for or supports being done. The neighbourhood unit concept from 1929 was premised on physical design features like the size of the area that can be walked without crossing bigger streets, its related school catchment area, and arrangement of buildings so that they can receive more sunlight and greenery. Such aspects cannot be presumed to be insignificant. As Mumford (1954, p. 264) claimed: 'even if no further advantages of face-to-face association and friendly intercourse and political cohesion followed from neighborhood planning, one could easily justify it on economic terms [rationalisation of movement patterns] alone.' In parallel to Latour's (1992) use of the speed bump example where he did not claim that new responsible citizens are created by this material intervention, we should not move to draw broad conclusions for the effectivity of neighbourhood plans. Nevertheless, while the speed bump does not immediately create new responsible citizens, that does not mean it does not affect cars—it certainly does. A speed bump's physical effect leads to drivers slowing down. In the same way, a street that is too long and winding and with multiple intersections discourages driving through when there is a shorter and quicker passage around. The physical design of neighbourhood units, according to Lawhon (2009) drawing on the work of Jon Lang and Herbert Gans, should not be seen as deterministic but as creating physical

conditions for some actions to be possible or even probable. While not ascribing too much agency to materialities we still should be attentive to their effects.

The material techniques of governing the housing estates—such as the internal plan of housing areas, street layout and courtyard structure—have their history in urban planning utopias that have utilised them as possible ways to programme behaviour. While Soviet urban planning sought to develop a 'socialist' vision of space in its earlier years, it settled with less ambitious plans from the 1930s onwards and since the 1960s adopted modernist housing construction principles. Soviet urban planning thus linked itself with ideas embedded in modernist housing such as the importance of greenery, sunlight and traffic planning. Before I move to explain those aspects, I will give an overview of the changing practices of Soviet urban planning before it settled on housing estates as the principal mode of urban expansion.

8.3.1 The search for socialist housing and the adoption of modernist housing estates

The search for socialist urban planning models and principles started with the formation of the Soviet Union in 1917. Whereas the 1950s signalled the beginning of industrialised city building and the 1930s/1940s were an era of pompous architecture, architects and urban thinkers in the 1920s were more idealists. They looked at how the form of the city could reflect and in turn support socialist ideology. The debates around the form of the socialist city that took place in the early Soviet period are usually divided into two camps (Bater, 1980; French, 1995; Ikonnikov, 1988; Sprague, 1974): de-urbanist and urbanist. De-urbanists drew inspiration from the Garden City idea and imagined people living in ribbon developments alongside roads where automobiles or buses took them to the places of work (French, 1995; Ikonnikov, 1988). Urbanists, by contrast, stressed the benefits of dense urban living but, departing from the existing forms of cities, focused on smaller urban centres with communal living quarters and extensive greenery. Nevertheless, in general both urbanist and de-urbanist schemes were quite utopian (Bater, 1980). For instance, de-urbanists wanted the city to be organised around automobiles, of which only about 1700 were produced annually in the Soviet Union at this time (Ikonnikov, 1988), while urbanists propagated collective living which was far from a widespread practice of the society (Bater, 1980). A third approach fitting to neither of the two camps was that of Nikolai Miliutin's famous work *Sotsgorod* (Socialist City) (Miliutin, 1974 [1930]) where he envisioned a lineal city with physical

connections between production and living inbuilt to the idea of the city. However, those debates were eventually discontinued in 1931 when, at the Bolshevik Party Congress, the positions held by all three were criticised (Sprague, 1974) and the Soviet city was declared to be any city located on the territory of the Soviet Union.

Before the debates on how socialist living should be contained in urban form were discarded in 1931, architects and thinkers in the Soviet Union were involved in discussions with urbanists around the world through various international linkages. Even though the Soviet Union was not known for its international openness, the 1920s were years of global learning for architects and urban thinkers. This was the time when a number of open architectural competitions with architects from Western European countries taking part were held. Famously, Le Corbusier visited Soviet Russia in the late 1920s remarking of his works sent to Russia (Le Corbusier, 1967 [1933], p. 90): 'My work will not remain – I trust – in some Soviet desk drawer until the next ice age.' Soviet urban thinking at the time was not an isolated activity, but it rather reflected on and drew its inspiration from Western European and American ideas.

After the years of major international influences and a more fundamentally ideological perspective, city construction from mid-1930s to 1950s was orientated towards grandiose architectural projects. It thus did not do enough to alleviate the lack of housing which became especially intense after the Second World War resulted in significant damages to the building stock. Then, large inner city apartments were often occupied room by room by families who shared a kitchen and a bathroom (see Gerasimova, 2002 on communal apartments). Such living conditions were tight and problematised by governors. Yet urban planning and construction were not ready for the task to change the situation drastically. However, after the death of Stalin in 1953, under the leadership of a new secretary of the Communist Party, Nikita Khrushchev, a new direction was taken towards extensive dwelling construction with—as was termed in 1954 meeting with the Congress of Builders—the annihilation of extravagances in architecture and construction. This was the end of the pompous architectural style and the starting point for rational industrialised construction. In the late 1950s, the Soviet Union bought Camus factories from France to construct prefabricated blocks. This step signalled the starting point for massive urban building. Prefabricated blocks as building material and housing estates as the principle urban planning idea became tied together in practice. Almost all the cities in the Soviet Union as well as in the Eastern Bloc

received a ring of housing estates that surrounded the older parts of the city. These give cities today their 'socialist' character.

Housing estates, of course, are not exclusively Soviet phenomena. They have been the response to urbanisation and industrialisation—or to slums that were the direct results of these processes—all over the world. Drawing on a study of large housing estates through the experience of seven cities from three continents, Florian Urban (2012) notes the intimate link between large scale housing and ideas of modernisation. Indeed, since the World War II, mass housing emerged as 'the most efficient answer to the challenges posed by social plight' (ibid., p. 13). Then, the USA and the UK had their social housing programmes, Sweden decided to build a million new homes for its residents, France built *banlieu*s and Germany its *Großsiedlungen*.

Nevertheless, even though mass housing in all these places shares similar planning ideas and historical roots, they have come to have different positions in different countries: in the USA, UK and France they have taken on a worse reputation than in Russia, India, China and Brazil, where they were 'pragmatically accepted' (Urban, 2012). In countries where half of the urban population lives in housing estates, as in the post-socialist countries, it is certainly difficult to simply disregard such residential forms or to imagine that they will soon disappear. While in Western European cities, the population that lives in housing estates is close to 10 per cent, in Eastern Europe the percentage is as high as 40% (Dekker et al., 2005) and in Tallinn, more than 50%. In socialist cities, building a city meant building housing estates. Rather than singular projects here and there in the city, the housing estate was a form of planned urbanisation. Like suburbs in American cities, housing estates were the way in which Soviet cities expanded outwards creating a new residential space which either improved living conditions for the current residents or was a first place in the city for those just moving in there.

Housing estates offered not only high residential concentration but also ways of organising transport. As Bater (1980) argued through his reading of Russian sources, limiting the time used to get from home to work was a central principle in the Soviet town planning. There are different ways to achieve this: for instance, by mixing workplaces and residential areas as in contemporary ideas of sustainable cities. In a society where industrial jobs were dominant and the 'strict separation' of 'non-conforming urban land uses' was one of the central principles of urban planning (Bater,

1980, p. 88), the solution was rather a concentration of housing with good links to the workplaces usually by public transit. However, housing estates were not just organising principles for travel from home to the workplace but offered innovative solutions for access to schools, kindergartens and shops. The way to deal with the latter issues was to use 'micro-districts' (*mikrorayon* in Russian, *mikrorajoon* in Estonian; see Figure 8.4 and 8.5) as the principal building blocks of housing estates. Micro-districts contained (or were planned to contain) kindergartens, schools, shops and other services; all within walking distance from homes and accessible without the need to cross streets that had high traffic volume, thus providing safe passage for pedestrians.

In the way micro-districts were planned they paralleled older neighbourhood utopias such as 'neighbourhood unit' proposed by Clarence Perry in the USA, as Triin Ojari (2004) argued through the case of *Mustamäe*. In the next section I unpack the ways in which neighbourhood utopias offered ideas to deal with greenery, sunlight and traffic to advance living quality of city residents. The next section thus draws out the material context in which the 'parking problem' (discussed in Section 8.2) emerged and where today the 'governing through community' techniques have been devised and put into use (Section 8.4).

Figure 8.4. Micro-district no. 4 in Mustamäe forming a classical superblock. Borders between properties are shown with yellow lines. Source: Estonian Land Board's web-based mapping system, www.maaamet.ee.

THIRD PARTY CONTENT REMOVED

Figure 8.5. Three micro-districts forming a residential complex (housing estate). Source: Bater, 1980, p. 103.

8.3.2 Neighbourhood utopias: greenery, sunlight and traffic planning

> Surprising though it may sound, Modern blocks of flats went in many respects but a short logical step beyond Reilly Greens and Radburn cul-de-sacs. Some Zeilenbau blocks, with parks on one side and short access roads on the other appear, on plan, like Radburn cul-de-sacs with their end blocks shorn off. Blocks of flats constitute the logical conclusion in the attempts to provide open space around dwellings and to eliminate the ordinary corridor type of street. (Glendinning and Muthesius, 1994, p. 100)

Considering the urban planning ideas behind large housing estates, what is important is not only their scale but also how they propose to move away from the traditional urban form. The planning ideas that housing estates draw from were based on three points: offering significant amount of accessible greenery; spacing buildings and arranging them in a way that dwellings would receive ample sunlight; and planning traffic in a way that safe pedestrian mobility is improved. Such ideas were combined into the concept of the ‘super-block’ that proposed a significant expansion of the street block in order for the space for pedestrians to be increased and the green space that residents can access—especially without crossing a street—to be larger. This might seem a simple idea, but it entails considering multiple aspects of the physical design of space. Such planning ideas are forms of material governing, as they organise people’s livelihoods through the ways in which physical space is organised.

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Figure 8.6. Perry's neighbourhood unit concept. Source: Perry, 2001 [1929], p. 88

Even though the precise history of these ideas about neighbourhoods is contestable (Johnson, 2002), a widely accepted key figure is Clarence Perry through his work *Neighbourhood Unit* (Perry, 2001 [1929])[86]. He proposed (ibid., p. 34) that 'an urban neighbourhood should be regarded both as a unit of a larger whole and as a distinct entity in itself.' For him, neighbourhood units are areas with a certain size dictated by the services positioned inside a block, most particularly an elementary school, that should be located so that there is no need to cross large streets (see Figure 8.6 for key elements of 'neighbourhood unit'). In order for roads inside the block to carry less

[86] Johnson (2002) argued that William Drummond proposed similar ideas decades earlier: "As Drummond set boundaries and size, so did Perry. As Drummond (and the City Club) called for open spaces and recreational facilities, and placed institutional buildings centrally, so did Perry. As Drummond located commerce close to peripheral rail and traffic junctions, so did Perry. As Drummond and the City Club suggested restricting local streets and banning through traffic, so did Perry. As Drummond and Unwin described a 'Unit', so did Perry." (ibid., p. 241)

traffic, the arterial roads surrounding the block need to be widened. Such planning structure is known as a superblock: 'a relatively large residential area bounded, in part at least, by through traffic streets but free from such traffic within its boundaries' (Panerai et al., 2004, p. 26). In the words of this architecture dictionary, the superblock is an area 'containing a complex of houses, shops, schools, offices, etc., around a central green or pedestrian space, [and] ringed by roads from which cul-de-sac service roads provide access' (Fleming et al., 1998 [1966], p. 468).

While the neighbourhood units in practice have been mainly suburban single-family residential areas, in Perry's work the neighbourhood unit was not restricted to low-rise built forms and also included drafts for inner city redevelopments. In the latter case his ideas look quite similar to those of Le Corbusier' that I will discuss next. It is therefore not surprising to see the superblock form also in 'housing estates' of the Soviet Union, 'superquadras' in Brasilia, 'environmental areas' in the influential British town planning report known as 'The Buchanan Report' (Buchanan, 1963) and elsewhere (see Glendinning and Muthesius, 1994, p. 97 – 100 on British mass housing development and its connections to neighbourhood unit).

In *La Ville Radieuse*, Le Corbusier (1967 [1933]) offers an influential take on the superblock idea (see Figure 8.7), even though he does not refer to Perry. In this work, Le Corbusier directed his critique at the traditional street pattern that forms what he called 'corridor-streets' where tall buildings follow the street pattern in the perimeter of a city block curtailing sunlight for residents and where pedestrians and cars criss-cross each other in the streets. Le Corbusier did not assume that streets and buildings should be related to each other and positioned buildings, instead, all over city blocks that, at the same time, were larger than usual. In that way, he could surround each multi-storey apartment block with plenty of green space, leaving space between the buildings so that the apartments in them would receive plenty of sunlight. Still, not just concerned with access to sun and greenery, the planning structure was also concerned with the ways in which traffic should be organised. In *La Ville Radieuse*, cars and pedestrians are completely segregated. When cars enter the 400-by-400 metre car-free area—which is essentially a superblock, even though not called so by Le Corbusier—their movement is restricted to parking lots under the residential buildings from which a driver must continue as a pedestrian. For pedestrians, all the space of the superblock is left for walking or playing outdoor sports. From the block, only 12 per cent was planned to be

taken by apartment buildings meandering in various patterns whereas the other 88 per cent was, in Le Corbusier graphs, space for football grounds, tennis courts etc.

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Figure 8.7. A housing block in Le Corbusier' La Ville Radieuse. Source: Le Corbusier, 1967 [1933], p. 163.

Superblock-planning devised vast green spaces that with their size attracted critique from influential critic of modernism, Jane Jabobs (1992 [1961], p. 22), who mockingly suggested that the greenery in Corbusier' cities was only good for those like Cristopher Robin to go 'hoppety-hoppety' rather than for the actual urban residents. Indeed, the greenery would essentially form an open park which, like any park, is meant for people on foot. However, the difference from parks is that there are buildings inserted into it and those buildings also need access by cars, one way or another. There are different ways in which the issue of vehicular access can be solved. All of the parking could be centralised in the edges of the block and the houses inside the block would not have direct vehicular access. This is how Le Corbusier planned *Ville Radieuse* and this is, partly, how superblocks were planned in *Mustamäe* in Estonia. Parking, however, could also be organised adjacent to the buildings, in which case the cars would also need to be able to drive inside the area. This solution is what can be seen in many suburban type superblocks—such as Milton Keynes—where the main aim has not been a total segregation of pedestrians and cars but rather a general decline of traffic close to dwellings by limiting through-traffic inside superblocks.

While the organisation of transport is a central aspect of mass housing planning, the academic as well as popular perception towards such areas has centred mainly on housing. But houses do not stand in a vacuum and any planner has to consider the way that buildings are located and what happens between them. In mass housing estates where the buildings are increased to a significant height, their location in a superblock is not an epiphenomenon but an underlying aspect of the whole planning principle. Not only does the density matter—by making it easier for the areas to be serviced with public transport[87]—but streets (or pathways) were planned by paying close attention to the pedestrian environment. On the one hand, large amounts of space are meant to be free of any form of vehicular traffic. On the other hand, streets are ordered in a hierarchy based on traffic volume whereby a pedestrian has to share space with only a limited amount of traffic in the superblock.

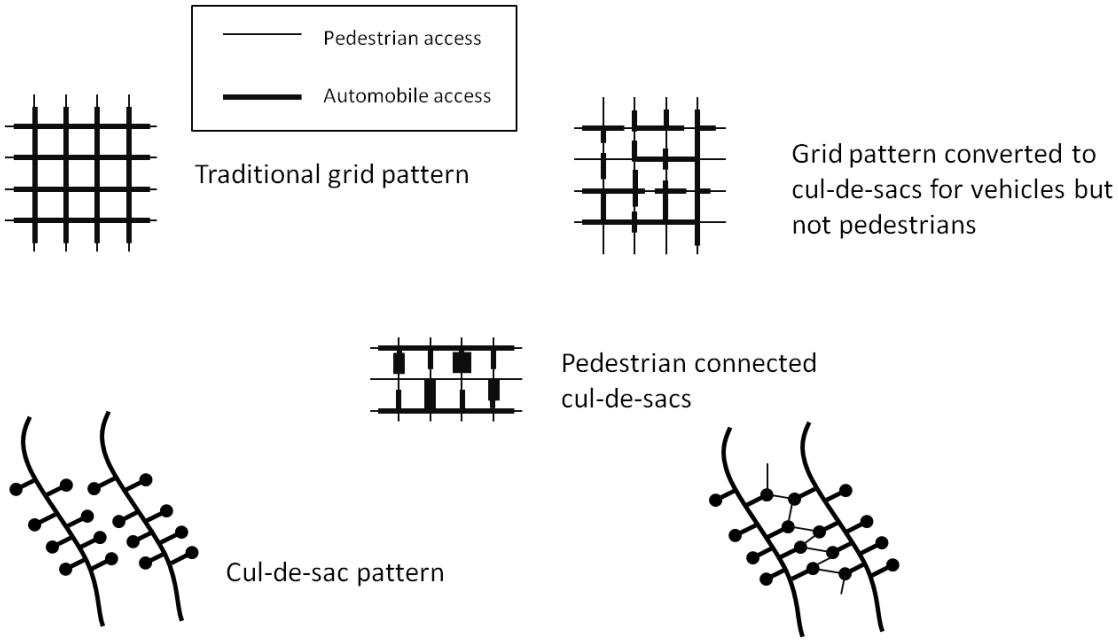

Figure 8.8. Different cul-de-sac street patterns. The right-above is similar to the housing estate cul-de-sacs (see Figure 8.9). Source: Adapted from Southworth and Ben-Joseph, 2004, p. 30.

Therefore, the streets in superblocks are often cul-de-sacs that are defined by *The Oxford English Dictionary* (cit in Southworth and Ben-Joseph, 2004) as dead-end streets with entrance from only one side (see Figure 8.8). Already early neighbourhood planning examples such as the Garden City in Hampstead in London and in Radburn

[87] Nevertheless, public transit has not been the key concern in all of the mass housing developments (for instance, superquadras in Brasilia were oriented for cars) (Urban, 2012).

utilise cul-de-sacs. Southworth and Ben-Joseph (2004) offer an optimistic take on the cul-de-sac. In their view, it could provide safer and quieter urban environments when used in a thought-through way, rather than as it has often been applied in the post-WWII American suburbs. The examples of using bollards, large concrete planters or other similar physical barriers—which, while easy for a pedestrian or cyclists to navigate, limit car traffic—could be conceptualised as creating cul-de-sacs even in traditional grid-patterned streets as depicted in Figure 8.8 (Southworth and Ben-Joseph, 2004). Therefore, cul-de-sacs are design elements for reducing traffic and not just a cultural phenomenon of the American suburbs. They were put into use with the aim to reduce traffic in superblocks; also in Soviet housing estates.

To sum up, the 'environmental area' of The Buchanan Report (Buchanan, 1963), Clarence Perry's 'neighbourhood units', 'superblocks' in Radburn's planning (1928), 'superquadras' in Brasilia, 'mikrorayons' all over the Eastern Bloc are all products of the same line of thinking. What matters here is not so much the specific flow of ideas but similarities in the ways in which dwelling in the city has been conceptualised. There are three core ideas in those urban planning concepts: first, making city blocks large enough for a significant amount of accessible greenery to be provided; second, spacing buildings and arranging them in a way that dwellings would receive ample sunlight; and third, utilising superblock planning ideas for easy and safe access to services coupled with hierarchical street pattern with streets inside the block planned so as to restrict traffic (as cul-de-sacs with separate pedestrian paths cutting through super-blocs). On the latter point, the planning models have diverged slightly, with some authors (such as Le Corbusier) propagating the complete segregation of modes of transport where no car would meet a pedestrian whereas others take a tempered approach by limiting the need for cars to enter the inner parts of the block with roads planned as cul-de-sacs. The latter option works well with lower levels of car ownership and use. However, a rapid increase in car ownership—such as occurred in Estonia—may lead to the domination of automobiles in the inner streets of the block essentially rendering ideas of sharing space between pedestrians and cars useless. Before moving on to discuss approaches to governing these changes in Tallinn, it will be helpful to assess the original automobility-restriction plans of *Mustamäe*.

8.3.3 The automobility-restriction plan of *Mustamäe*

The physical plan of *Mustamäe* set out to restrict the movement of cars inside living quarters. On the one hand, the number of cars entering a block was limited by using the superblock/neighbourhood unit structure with wider streets at the outskirts and only small roads inside a block. On the other hand, vehicular mobility was restricted directly by blocking the possibility of driving through a superblock. Thus, some of the roads in the micro-districts were designed as cul-de-sacs that made it physically impossible to drive through (see Figure 8.9). The cul-de-sacs were already designated in the first planning documents for *Mustamäe* from the early-1960s (even though they were not called cul-de-sacs but rather 'dead end streets'[88]):

> The width of dead end streets leading to the groups of houses is 5.5 metres; the width of the street to individual dwelling is 3.5 or 2.5 metres, depending on the circumstance. The streets with the width of 3.5 metres also have extensions for overtaking and turnaround triangles [visible on the Figure 8.9; where the arrow indicates]. (Eesti Projekt, 1964; my translation)

In addition to the dead end streets, the plan regulated automobile use by narrowing streets so that parking on them would not be possible (or would be possible only for a limited number of vehicles). Parking was planned to take place in garages at the outer parts of the micro-district. Vehicles, then, were meant to be contained on the wide streets surrounding superblocks, only entering infrequently close to the buildings to deliver something to an apartment or to take residents on board. A later plan for a refurbishment project in 1985 more thoroughly conceptualised the traffic management by cul-de-sacs:

> With the new traffic organisation the aim has been to reduce driving through the micro-district. The traffic that would endanger pedestrians and children playing around buildings on streets in front of the houses is reduced. . . . [W]ith the new traffic plan, dead end streets are created in front of the houses. In order to curtail traffic, metal bollards are planned to be fitted into the tarmac of roads. (Kommunaalprojekt, 1985, p. 5; my translation)

Lastly, pedestrian circulation was not confined to the roads, but people could walk via direct routes through the courtyards and between buildings. This kind of pedestrian

[88] Although the term 'dead end' street would not have the same cultural connotation as cul-de-sac it has the same material function of not allowing through traffic.

movement exhibits the thinking by Le Corbusier and Perry for whom the superblock form provided freedom for people on foot.

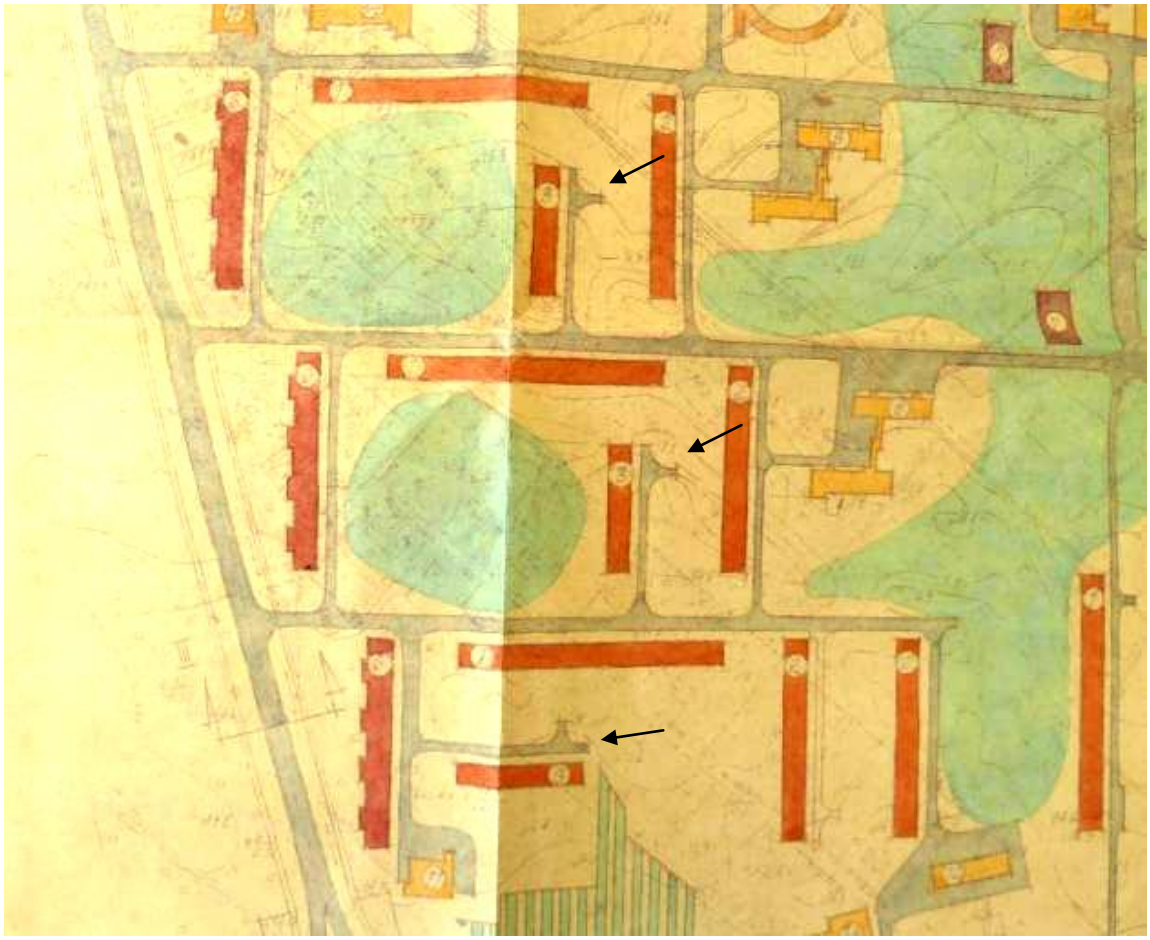

Figure 8.9. Cul-de-sacs in earlier Mustamäe Plan (black arrows). Source: Riigiarhiiv (Eesti Projekt, 1964)

The focus on traffic planning here hopefully helps to decentre housing estates from the popular critique directed to the lack of construction quality, dull living environment and limitations to social interactions (e.g., Kalm, 2002; even Soviet Union authors such as Ikonnikov, 1988). I am not saying that this critique has been misdirected: there are certainly significant grounds for such sentiments. Yet, some of the ideas that housing estates embody are more forward looking than often discussed. I agree here with Dekker et al. (2005, p. 5) who propose that not only is it premature to claim that housing estates in Europe have reached the limits of their 'useful existence'—they will be present for long time—but 'large estates have an important part to play in promoting sustainable urban development more broadly, given their compact morphology, abundant open space, and their potential to benefit from public transport links and the development of

green heating and energy systems.' The Soviet urban plan of housing estates, for example, exhibited a vision in which car use was meant to be curtailed.

Those physical features of housing estates, however, are being modified in the changed political order. The increase of car use generated a 'parking problem' with cars taking over spaces initially meant for other functions (see Section 8.2). The contemporary process of official parking development in housing estates is primarily through a widening of existing cul-de-sacs (as well as other inner streets) so that parking becomes possible, with the result being that the whole traffic planning from Soviet times loses its meaning. Today, more and more cars are driving around the buildings making life increasingly difficult for pedestrians. In that way, the pedestrians are marginalised inside the housing estates and one of the principal aims of neighbourhood utopias—the pedestrian priority in superblocks—is gradually phased out.

8.4 The city managing traffic and greenery in housing estates

Having set out the 'parking problem' (Section 8.2) and the original planning ideas that generated physical design of the space accountable for the 'parking problem' (Section 8.3), this section discusses the ways in which new governance arrangements have emerged to cope with the much increased demand for housing estate car parking, and how those ideas are related to materiality and post-socialism. This section draws out the effect of the physical layout of housing estates to the ways of urban governing and brings out the importance of post-socialist continuities, changes and anti-continuities relevant for the material governmentality of housing estates. As was argued earlier, the physical organisation of space has increasingly diverged from the ideas prevalent as the basis for the *Mustamäe* housing estate. However, in addition to shifts in ideas of traffic planning, the main actors responsible for governing in the area have also changed. No longer centralised housing associations but rather collectives of residents in each building—forming flat-owners' associations (FOA)—are now important actors in governing and shaping the character of housing estates.

Neighbourhood plans that utilise the superblock principle discussed in Section 8.3.2 were planned to be centrally governed: either a central authority builds the area and carries out the daily management of multiple superblocks (neighbourhood units), or residents of a superblock themselves form an association responsible for governing

themselves. The latter was the way in which Perry perceived his neighbourhood units to function. He further hoped that such governing would provide residents with the means to learn basic democracy. It seems that none of the urban thinkers imagined the neighbourhood to be managed at the scale of the individual buildings.[89] The physical plan of the neighbourhood makes such models of governing indeed complicated, as I will unpack below. Thus, despite the decentralisation of the governing of housing estates to the individual buildings (FOAs), the centralised actors—such as the local government and the state—are not entirely absent from the regulatory activities in the Estonian case.

Even though all the dwellings are now privately owned, the state is an actor that influences and maintains those buildings as well as their surroundings and how this is carried out. We do not encounter a 'void' of the state regulations in this case as we did in Chapter 7. Rather, we encounter a helpful state that while not exactly building (parking lots) itself is less restrictive, for instance, as it does not push cars off the green. The state—as city government—rather increases possibilities for providing parking places. The state governs, but as we will see, only with the involvement of FOAs. The local state in this chapter draws more from the liberal diagram than the directive diagram in shaping how things are done in the residential district. The form of housing estates, however, is itself not a background but has a role to play in the forms of governing thus highlighting the points of post-socialism and materiality developed in this thesis. I will unpack these points by attending first to the general principles of governing housing estates, followed by a discussion on the context for governing generated by the privatisation. I end this section by discussing the Tallinn city government response of formalising the 'informal' parking provision of *Mustamäe* through activities of FOAs.

8.4.1 How to govern housing estates?

In a nutshell, three different governing actors are possible in residential areas (hereafter referred to as first, second and third model), from the most individualised to a collective

[89] Le Corbusier ideas are even associated with 'authoritarianism' and strong centralised control which does not leave much space for individual control whether on the level of building or even a neighbourhood (Scott, 1998) which is what at least Ebenezer Howard and Clarence Perry envisioned in their urban imaginations.

agent acting at the most encompassing level[90]. Firstly, a whole apartment building could have a single owner to whom residents pay rent (a typical model for apartment buildings built in 1920s and 1930s in Estonia). Secondly, apartments could form a collective that governs a particular building (as a condominium or cooperative). Thirdly, a large housing corporation or city/state department could be the one that takes responsibility for a number of buildings (common in the Netherlands, for instance). Each of those models defines a different relation between the resident and governing processes but also between the resident and the building and the surrounding environment.

Housing estates in general have been built by the state and governed by the state (the third model). Such large scale construction has taken advantage of economies of scale by manufacturing a large number of standardised building elements as well as allowing the preparation of sizeable areas for construction. However, the governing procedure has also been in a major part influenced by the physical space of the housing development: both the materiality of a building and the physical layout of the housing area matter for governing procedures of maintenance, repair and physical amendments.

Firstly, then, a building is not a static entity that remains intact once constructed and should thus be seen as a continuous process necessitating interference by human actors (Edensor, 2011). A building needs to be regularly maintained for it to exist: roof upheld, cracks and holes checked, pipes and wires changed and exteriors sustained. Multi-storey apartment buildings offer a particular challenge in this regard since the height and width of the building offer technological problems that need an organised undertaking. The materiality of the building is more than the sum of individual living spaces. While the roof covers only the upper floor it is essential for keeping the building up and needs to be maintained collectively. The same applies for water and heating pipes which are the responsibility of the house as a collective[91]. Exterior walls are more complicated in terms of ownership as each apartment has also a slice of exterior walls. Nevertheless, exterior walls are also those that carry the load of the house and are thus necessary for everyone in the building. Hence, the materiality of an apartment building necessitates

[90] I am interested here in the collective actors and thus leave an individual out.

[91] Pipes that enter an apartment belong to the flat. This is significant when a pipe bursts as the responsibility depends on whether it was the pipe inside an apartment of the one in the wall. The former makes apartment owner responsible for damages and the latter the house as a collective entity.

care by someone acting on a wider scale than individual apartments separately[92]. If the building is owned by a single institution such as a company (first model) or an association (third model) with individual apartments being rented, such an actor can be the larger organisation. In the second model—a condominium (or a flat-owner association but also cooperative[93])—the separation of responsibilities between that of a single apartment and that of the house as a collective is a complicated matter, as one 'owns' an apartment as well as a share in the building. In the second model then, the building is not managed by something separate from the residents but by each resident—who is an owner of the flat—as part of the collective. A house, then, is a socio-material entity that affects forms of governing.

Secondly, in addition to the materiality of buildings, the way those buildings are positioned—that is, the physical plan of housing estates—is an aspect at play in affecting governing choices. Housing estates are planned as super-blocks which do not follow the traditional model of a city with houses, streets and parks all neatly separated but instead have all the three elements intermingled into a singular structure. With streets divided into hierarchies, the ones inside a superblock do not structure the city but rather meander inside a block in a relatively messy way. Green areas do not form separate parks but rather intermediary spaces between buildings. They are not so much spaces where one *has to go* but rather spaces where one *is* once one has exited a building. We can really claim that in housing estate superblocks, parks are not between houses but houses are located in vast parks. An area planned in this way necessitates governing on a wider scale than individual apartment buildings. With materialities of housing estates—such as benches, trees, children playgrounds, streets and parking spaces—not clearly divided between buildings, some form of coordination and governing on a more encompassing level has to be done. The case of Mustamäe parking governance will offer grounds to illuminate this point. With the direction taken towards housing privatisation in Estonia, complications have emerged in putting the second

[92] There have been debates in the Estonian legal discourse on whether one can become a member of a flat owners' association against his/her will considering that FOAs are organised on the principles of non-profit (and voluntary) organisations. In the courts' deliberation, flat owners' association are 'compulsory associations' to which one can join only through ownership of apartment or from which one can step out by selling the apartment. The building itself provides limits to the form of social organising devised. (Feldman, 2013)

[93] In a cooperative, the responsibilities are positioned more to the building as a collective but it still does not form something like the third model (association).

model of governing into practice. In the Estonian case, the shift in housing governance from the Soviet to the post-Soviet one has been from the third (centralised organisation) to the second (organised in flat-owner associations) model of governing. In the case of governing buildings this model has worked without major complications (although with quite active state intervention) but has been more complicated in relation to the housing estate's physical landscape and thus for the management of car parking.

In order to understand the background for such shifts in governing as well as how they have worked in the practice, the next section offers a discussion on the process that has become known as privatisation (e.g., Marcuse, 1996; Murie et al., 2005). The privatisation, however, was not simply something that was decided on paper and worked into practice. Rather the decisions of what to privatise and to whom were affected by the physical space in which the privatisation had to take place.

8.4.2 Privatisation of housing estates

Estonia's strategy in terms of privatisation was a rapid transfer of assets from state ownership to that of individuals: in the case of housing estates, this was not done through restitution (see Feldman, 1999) but by using Vouchers given based on working years, former tenants of apartments could purchase their dwelling on very affordable terms (Kährik et al., 2004). Whereas at the beginning of 1994, 29% of dwellings were privately owned, five years later, at the beginning of 1999, the percentage was already 93% (Statistikaamet, n.d.). The shift was thus from the almost complete state ownership of housing at the end of the Soviet time (in 1991) to more than 97 per cent of private ownership today (2014). Eventually, houses were transformed into condominiums with each flat-owner owning their apartment and a share of the land under the building and around it. Those two privatisations—dwelling and land—however, were not coterminous, with the transfer of dwellings taking place sooner than the transfer of the surrounding territory. In Tallinn's housing estates, some of the land is still classified as 'un-reformed land' officially managed by a central state authority (Estonian Land Board). Thus, the two key points in this section are: first, the emergence of individual apartment buildings—each with tens if not hundreds of apartments—as units for decision-making; and, second, the way in which the housing estates' land is distributed amongst a number of different owners—individual apartment buildings, different local

government authorities[94] and in some housing estates also the central state authority. Rather than a transfer of assets from the central authority to individual subjects, the privatisation therefore appears as a more complex mapping of a range of different administrative divisions onto the physical space. The physical space itself was moreover not a background but a participant in the privatisation process. The way it acted then, has consequences for contemporary local government practices, notably, as discussed later, in terms of parking.

While some apartment buildings are still managed by large housing companies (although flats are privatised), the shift has been towards management by FOAs. FOAs are formed by residents who have shown that at least half of the apartment owners of a building are in agreement that the association should be set up. FOAs range from small ones with less than ten members mainly located in inner-city early-20th-century apartment districts to those with more than a hundred members located in Soviet housing estates. An FOA is responsible for all the collectively owned spaces and, as the representative of FOAs stressed in the interview[95], does not form a separate entity but is a collective body where every flat-owner is an equal partner. FOAs are responsible for the general governance (collecting money from flat-owners to pay utilities), maintenance and repair (hiring private firms to do the work and organising financing from the flat-owners, sometimes with the help of bank loans). In addition to taking care of the building, which understandably is a key concern for residents, FOAs also manage the land plot they have privatised. This marks a move away from the Soviet time governing procedures where maintenance and renovation of buildings and surrounding areas was the responsibility of large state-owned corporations. Even in 2011, the Minister of Economic Affairs expressed (Parts, 2011, p. 8; my translation) how '[i]n five decades the occupation power managed to make the majority of dwelling owners into indifferent residents' who the state now wants to support to become 'true owners' who are capable of making the right decisions and managing their buildings respectfully.

The privatisation of land—known as the Land Reform—was legislated to start in 1991 and for apartment buildings some years later. The start itself was slow and newspapers

[94] For instance, the land of schools and kindergartens belong to the responsibility of education department while other land to the city borough.

[95] Interview no. 30 (17 July 2012)

reported how by 1999 most of the apartment buildings still had not privatised a land parcel (Hagelberg, 1999). While as little as 26% of land was reformed by the year 1999[96], in 2012 the percentage of land reformed had increased to 91% from the total land in Harju county (where Tallinn located) (Maaamet, 2014). Today, most of the buildings have privatised at least a certain portion of land. The size of the land to be allocated to each building was expectedly one important question in the whole process. If a land privatisation takes place, it is expected that the land under the building should belong to it. However, questions of whether more land than this should be privatised, and if so how much, are less clear.

Regarding the amount of land to be privatised for the building, the Estonian Land Reform operated with the term 'land required for servicing buildings' ('*teenindamiseks vajalik maa*') which was defined as a legal concept in law even though the exact meaning remained vague and subject to interpretation. In most of the privatisation cases it was conceptualised as a couple of meters around the building. Whether it was set at this level in order to avoid paying more Land Tax as a planning expert and one of the authors of Mustamäe General Plan from 2006 suggested[97] or for some other reason[98], during the 1990s, car parking was not seen to belong to the '*teenindamiseks vajalik maa*'. A Supreme Court case from 1995 (Supreme Court of Estonia, 1995) echoed this opinion most vocally; it declined to see parking lots as land for servicing the building, in this case, for a hotel. A governmental document from 1998 defines '*teenindamiseks vajalik maa*' as:

> the least necessary and sufficient amount of land under the construction and surrounding the construction that assures the use of the construction for intended purpose, its maintenances (repair etc), safe use (accident, rescue, fire safety and sanitation distances) and physical preservation. (Government of the Republic of Estonia, 1998; my translation)

[96] That is, either privatised or given to the state (mainly municipality) ownership.

[97] Interview no. 15 (14 March 2012)

[98] A city's urban planner reasoned that the legal term was set for only some metres around the building following an old Germanic understanding of property. According to that understanding, as she claimed, the property extended as far that a repairman could be able to walk around and paint (Interview no. 23; 7 May 2012).

Yet the ‘least necessary’ shows the desire to keep the land plot small and none of the examples given include parking. In contemporary parlance, however, this term has started to refer also to the parking lot. For instance, The Scheme for Parking Provision (Tallinn City Government, 2012, p. 2; my translation) that is going to be discussed in the next section, explains how ‘important facilities for servicing the apartment buildings, including parking spaces, cannot be accommodated on most of the apartment buildings’ properties.’ Even though the Scheme is not using the term in as legally precise way as it was used in the privatisation process, the intent and vision of the city governors is visible. A similar approach is elaborated in the Instructions for the Preparation of Detailed Plans[99] where examples of the land necessary for servicing a building include a lawn and a parking lot. Thus, whereas initially the parking lot was not conceptualised as belonging to the building, the conceptualisation has since become more and more about seeing the parking lot as associated with a singular building. The Land Reform thus provided the basis for the emergence of a distinction within neighbourhood units between ‘our/ their’ land.

Yet this process has been subtle and intertwined with multiple currents whereby no neat correspondence between spatial elements and their owners has emerged: land parcels, usually, are not gated while the individualising use of various spatial elements extends beyond the land linked to one’s apartment building. Such individualising uses include activities such as taking care of the vegetation (e.g., cutting branches of trees or maintaining flowers/bushes that are officially on the city land) or parking informally on the green that legally belongs to the local government (see Section 8.2). Streets inside blocks were not municipalised as ‘transport land’ as in other areas of the city and were lumped together either with the building (rare option) or with the courtyard (more common). Commenting on the privatisation process when the borders were being drawn, a councillor at the *Mustamäe* borough argued that in the superblock form of urban plan every piece of land belongs to everyone and it cannot be simply privatised (Hagelberg, 1999). Nonetheless, the basis for ‘ours/theirs’ land was created with privatisation, but this distinction has remained ambiguous and due to this uncertainty has complicated the assignment of responsibility (see also Figure 8.11).

[99] ‘Detailplaneeringu vormistamise täpsustatud nõuded’; available in web: www.tallinn.ee/est/g4842s36776, last accessed 21 July 2014. This is a table accessible from the city of Tallinn website.

The privatisation of housing and the Land Reform generated the context whereby residents are organised into collectives based on apartment buildings with residents usually being the owners of their flats (organised into FOAs) while the land has been parcelled to those collectives only to a limited extent. Those FOAs have thus emerged as important actors in governing while much of the land in the neighbourhood has remained in collective use and in many cases in collective ownership (represented by the district government). Such physical space has required some wider level of intervention which in practice is done by the district government. *Mustamäe* district government has also intervened to the issue of parking provision and has started to formalise parking spaces already informally generated by car drivers.

8.4.3 Formalising the informal response to the 'parking problem'

The informal solution to the parking problem (parking on malleable grass) introduced in Section 8.2 turned out to be only a temporary informality. While it is 'informal' as it does not accord with formal rules, it is accepted and largely not contested by the governing bodies. It is contested only when the informal activity has gone too far, for instance extended to the basketball grounds or taking over entrances to the building. In other cases the enforcement officers[100] have considered the ticketing impossible and overzealous. In such cases we are thus talking about the 'normalisation' of parking on greenery and a new vision of space whereby cars have acquired a more central position in the housing estates.

Hence, while a number of individual activities of car drivers have altered the urban environment in housing estates, such alteration eventually has been solidified through formalisation by state authorities. The formalisation takes place mainly through FOAs but with the help of the city government authorities. Some FOAs have put up traffic signs of their own—sometimes with an agreement from the city authorities, but often without—to designate areas where cars can go or cannot go. Some FOAs have also improved existing informal parking lots by buying gravel and updating the parking areas turned into muddy and unpleasant spaces. In such cases, the city, however, could possibly interpret gravel as illegal—for instance terming it 'rubbish' stored on the city's

[100] According to a ride-along I conducted with the local government police crew (26 July 2012).

property—and the FOA may receive a fine.[101] Thus, for the situation to be fully formalised and settled, the state has to verify the actions that FOAs have taken. The state authorities' measures towards such informal governing activities demonstrate that despite privatisation, the city is still an active player in the field of housing estate governance.

While citizens have generated and dealt with the 'parking problem' because the city has been passive, their activeness has more recently been encouraged by the city authorities. In recent years the city has devised three measures that tackle the housing estate 'parking problem': the city has devised a policy, the city provides funding for parking provision and the city privatises the use of land. What is significant in all those three measures is the way in which the city acts but does so only through a pro-active engagement of FOAs who, as I show below, are expected to be self-governing and responsible actors.

The first of those measures—a particular policy scheme—was put together in 2012 by the city government to organise the provision of parking lots in residential areas. Even though it might look like a planning document that forms an agreement between different parties in terms of how and where the parking lots would be provided, it was merely an internal governmental document aimed to coordinate practices between departments to create parking lots. What is more significant, however, is the nature of the Scheme for Parking Provision (Tallinn City Government, 2012). To my question as to whether the city has a preference for where the parking lots should be provided, officials at *Mustamäe* district government showed me a planning document ordered from a private company mapping planned parking lots around apartment buildings[102]. Nevertheless, not only was this document prepared for less than a third of the *Mustamäe* territory but it also did not show where parking lots should be built but merely pointed out all the places where parking lots could potentially be constructed. In the end—as municipality officials stressed during an interview[103]—parking spaces will be provided where FOAs ask for them to be provided. Thus, even though the city has a specific

[101] A concern expressed in an interview with a head of a flat-owner association (Interview no. 39; 24 September 2012).

[102] Interview no. 27 (9 July 2012)

[103] In multiple interviews and documents.

policy for dealing with the parking problem, the policy is not the blueprint for action but merely an idea that will be transformed into practice only when FOAs show initiative.

The second measure applied by the city is funding provided for constructing parking lots. The most important of those financing measures is a programme *Hoovid Korda* (direct translation is 'courtyards into order') which annually supports approximately one hundred applicants. Despite the funding by the city, however, a significant portion still needs to be provided by city residents. The programme covers at the moment no more than 50 per cent of applicants' construction costs. It thus assumes that each FOA is capable of securing finances among the apartment owners of the building. The programme, moreover, is competitive. While in 2010 the number of successful applications for the whole city was 68% (with 22 projects from 30 that applied in *Mustamäe* got funding), a year later the percentage for the whole city had dropped to 43% (with only seven projects from 31 funded in *Mustamäe*) (Tallinn City Government, 2011a). In response to my question as to how the selection of applicants is done and whether there is an underlying principle about where parking lots should be provided in the housing estate, the officials claimed the decisions to be based on the merits of the application rather than the logics of urban planning[104]. In advancing their parking options, hence, apartment buildings can compete for the city funding which also requires at least one third of self-funding[105]. Therefore, the funding by the city indeed exists but it is limited, competitive and dependent on the initiative of individual FOAs.

The third measure for the municipality to be involved in 'easing the parking problem' of FOAs, as the vice-mayor claims in the local borough newspaper (Võrk, 2012), is by offering the use of municipal land to individual FOAs. Namely, the city has opened up the opportunity to enclose a portion of land for the exclusive use of a single building. While some houses decided and managed to privatise a larger land plot around their buildings, including parking lots and would thus not need land from the city, other FOAs have now acquired the 'personal right to use' on the city land. 'Personal right to use' is a 15-year rental agreement with the city for the utilisation (but also maintenance and renovation) of the parking lot (only; and not including street; see figure 8.10 below). The existence of such a governmental tool, as city authorities have claimed, is a

[104] Interview no. 49 (23 August 2013)

[105] Furthermore, the city funding is giver only after the construction is done meaning that the FOA needs to fund the project initially itself.

result of the demands of FOAs. Those FOAs that had formalised their parking lots and financed it either fully or half from their own budgets felt it unjustified that cars from other buildings could also use the land. FOAs, having received the right from the city to use a land plot exclusively for a house, then hired private companies to enforce parking. These companies make use of a special registry set up for an apartment building to ensure that only cars from one building park there and cars from neighbouring buildings are ticketed. With the formalisation provided by the city, 'us' and 'them' is not anymore a matter of dispute or informal conflict between people, but is an enforceable principle where one group enjoys the right to park and the other group has to pay a fine in case of non-compliance with the rules. The third measure, similarly to the previous two, is utilised by city authorities but only through an active—even pro-active—engagement by FOAs.

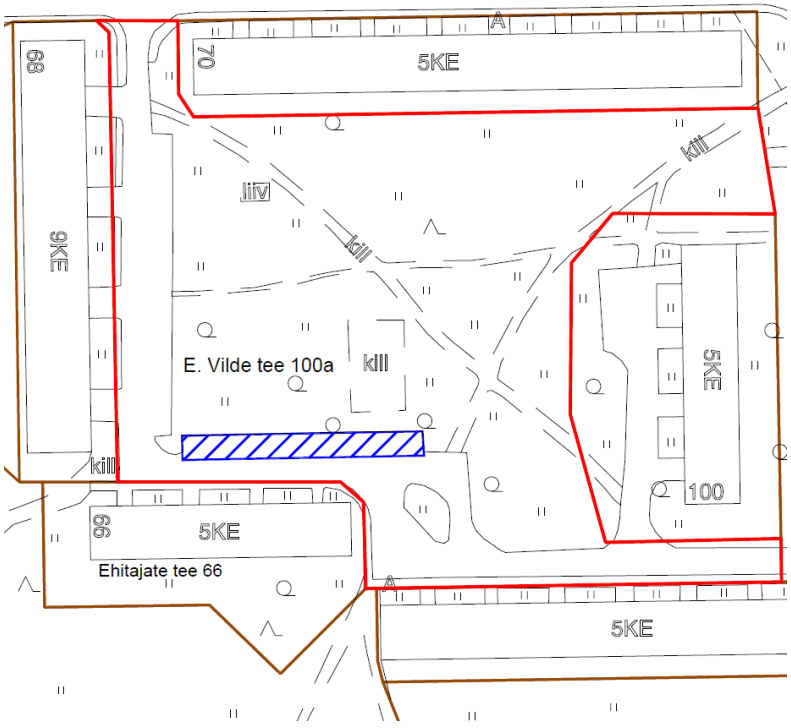

Figure 8.10. An example of 'isiklik kasutusõigus' [private use right] for an apartment building, shown with the blue striped area on this map (the red line demarcates city property). (Source: Tallinn City Government, 2011b)

Thus, it is possible to conclude from the discussion of such measures that car parking in housing estates is very much a problem for the city government to solve. Even though the city does not act as citizens expect—that is, by providing parking lots for citizens to use—the city officials still draw plans, give advice, supply funding and offer city owned land for use to FOAs. Nevertheless, the ones expected to be pro-active are FOAs, who

are expected to organise themselves so that they can devise plans, manage financing and provide at least thirty per cent of the funding. The latter, for instance, positions FOAs in the sphere of financial relations where they might need to acquire loans and could even go into a bankruptcy. FOAs are thus expected to be 'entrepreneurial, self-responsible' actors (Larner, 2003) who manage their own matters themselves. It is fair to argue here that the city has policies that resemble neo-liberal tools of governing.[106] From the two approaches to neo-liberalism—Marxist and Foucauldian (Clarke, 2008)—the former conceptualises neo-liberalism as a 'class-based ideological project' while the latter sees neoliberalism as 'arts of government' (Ferguson, 2010). The arts of governing car parking in *Mustamäe* involve techniques such as governing at the distance and through the freedom of individual actors. As the following section sets out, however, such governing techniques should not be perceived as purely instances of neo-liberal ideology but as particular manifestations of materiality as well as consequences of history (post-socialism) regarding the already made decisions that have lead to the ineffective and under-resourced local government where pro-active citizens step in as a response to fill the gaps of state capacities.

8.4.4 Governing through flat-owner associations: materiality and post-socialism

The measures of governing introduced in the previous section are not merely elements of a neo-liberal city vision but are in many ways pragmatic and related to the spatial reality that city officials encounter in the housing estates. This section highlights why governing in *Mustamäe* is interventionist rather than simply *laissez faire*. The state lets residents know that solving car parking—as well as many other issues in the housing estate (see Figure 8.11)—is their problem but still intervenes in many ways to support their (pro-)activity (as I elaborated in the previous section). Then again, this section also reflects on the reasons why the city still does not intervene to a more significant extent by, for instance, organising the land it actually owns (similar to the way that it otherwise deals with streets in the central parts of the city).

[106] A vice-mayor, with whom I had an e-mail correspondence as well as a phone call regarding city's support for parking provision (19 August 2013), referred to these measures as PPP procedures where flat-owner associations have to act as 'owners'. Nevertheless, I would not stress her reference to PPP too heavily as characteristic of city's neo-liberal vision as she referred to it casually as just a pragmatic way to govern. She also is a member of a political party that aims to provide social amenities to the public in contradiction to the country's dominant neo-liberal developments (free public transit, social housing, municipal shops, but also more pensions).

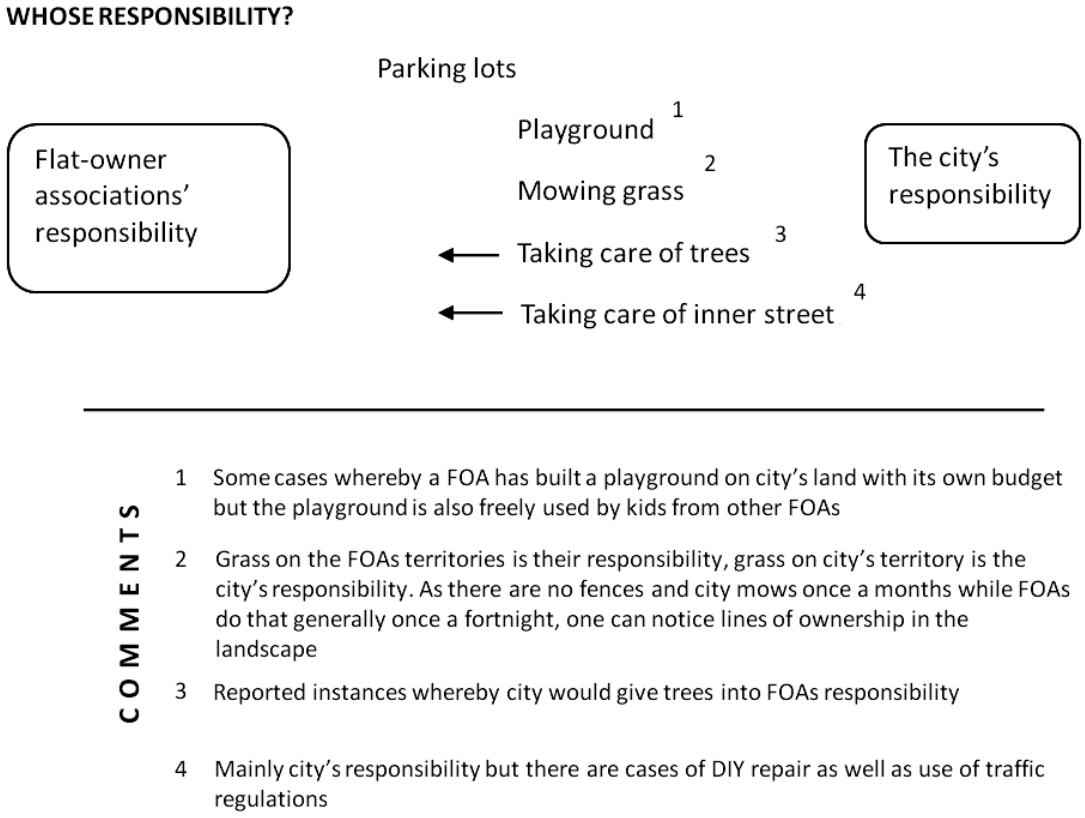

Figure 8.11. The share of responsibilities in terms of various tasks between FOAs and the city authorities.

From the different models that were discussed in Section 8.4.1, the city of Tallinn possesses a vision whereby FOAs are the ones that lead the decision-making, and they do that not only in terms of their buildings but also land around the building.[107] However, land plots are not fenced or clearly assigned to single apartment buildings as in older parts of the city and the city government does not sell or give the land away. The city remains a decision-maker in the housing estate. The conditions for the emergence of the 'neo-liberal' model of governing housing estates, with two components—active state and active individuals—present, are provided by the materiality of housing estates. In order to elaborate on the connection between neo-liberal ideas and materiality, it is helpful to consider the analysis by Collier (2011) about the transformation—or rather the *non*-transformation—of the heating system in a post-Soviet Russian city.

[107] Note, in superblock planning it is difficult to define clearly what land plot belongs to this house and what to another. Yet, for city officials I interviewed it seemed as a question of common sense rather than something that causes problems.

With the market reforms taking place after 1991 in Russia, the state with recommendations from WTO aimed to transform the heating system into a 'pay for what you use' type of a system. Such an idea, as Collier (2011) meticulously tracks, has its roots in basic neo-liberal thinking and was supported by bureaucrats in the higher level of the state apparatus. Nevertheless, such ideas could not be translated into practice due to the obduracy of the heating system itself. With the heat produced centrally and distributed via pipes to individual apartments, the adjustments in single apartments could not be effectively translated into the change of actual heat production. The material limits to governing procedures lead Collier (2011, p. 238) to argue that: 'Without a technical overhaul of entire heating systems involving massive capital investment—which is for the moment unanticipated and quite unlikely—there is not, and will not be, a sovereign consumer of heat in Russia.' Thus, Collier claims the persistence of Soviet forms of governing—such as using norms rather than actual use for assessing tariffs—as directly linked to the persistence of physical environment. Nevertheless, I will highlight below how the physical form not only curtails individualising governing practices (which is still a more important aspect) but partly supports new and more neo-liberal forms of governing.

Collier draws attention to the need to attend not only to the idea but also to the context that the idea deals with for understanding neo-liberalism. In order for the ideas to work, there are various aspects that have to fit with it; including that of the material environment. For instance, if the city of Tallinn wants citizens to act independently, why does the city not take a more *laissez faire* approach in housing estates? Why does the city help FOAs administratively, draw plans and offer funding? The answer for why the state-citizen relation in housing estates is not an anti-state freedom as described in Chapter 6 but rather a more neo-liberal model rests, similarly to what Collier (2011) discovered in the case of heating systems, on the materiality of the socialist housing estates. In the case discussed in this chapter, the crucial aspect is the physical plan of housing estates. Namely, the way housing estates are organised and the way in which the land is privatised to the buildings leads to certain expectations on how the FOAs should act. That is, if the efforts by apartment buildings are not coordinated, problems will occur.

First of all, the vast green space is not clearly belonging to one house or another. The greenery is intermediary space in between houses belonging by the initial planning

ideas to everyone. Officially, it usually still does so today. Thus, all the new borders drawn in the public space of housing estates appear as problematic in relation to the way it has functioned for decades. Second, designating a land plot around apartment buildings to belong to the FOA also means the inclusion of street sections leading to other buildings which produces at least two problems: vehicular and pedestrian access to other buildings is compromised and responsibility for repair and maintenance of the road section is unclear. In the case of street privatisation it then must be clearly designated who, under what conditions, can pass through the property to prevent on-going conflicts between the residents of different buildings. If street sections for public use are privatised to FOAs, each FOA will have only a limited incentive to renovate and maintain the street, as many other buildings will benefit as well. An FOA would be funding services for other buildings from its own budget. This would hardly be accepted by the district residents.

Thus, due to the physical layout, someone has to govern at a more encompassing level than one building and its surroundings. In today's situation in Tallinn, the only such institution is the local district government which acts in accordance with the general city guidelines. If FOAs plan anything, their first contact is with the district government. However, the respondents showed discontent with the lack of maintenance that courtyards and playgrounds have received by the city authorities. Similarly, the city district does not form a platform for discussing developments in the area, or a centre for considering what is lacking or what needs to be done largely due to its lack of institutional capacities for the whole district with 68,000 residents. This critique of the capacity of district authorities shows that even if the state wants to act—as it clearly does when we consider the ways it intervenes to support parking provision—it lacks the capacities to do so.

The intention for the city to act pro-actively is also supported by the political context of Tallinn. Politically, Mustamäe is one of the main voter bases for the city's most popular party (*Keskerakond*) that has been governing Tallinn—with some breaks—throughout the post-Soviet years. The party *Keskerakond* enjoys a stronger base in *Mustamäe* than they do in more central (and older) city neighbourhoods such as *Kalamaja* where the city authorities have been in more confrontational stance with local residents than in *Mustamäe* (leading also to a public outcry against paid parking in 2010). In *Kalamaja*,

however, the protest against paid parking also helped to induce[108] a more active and capable citizen movement competent also in becoming a participant in the neighbourhood governing. Such a neighbourhood movement has become an actor on a wider scale than individual buildings while being still more attentive to specificities of the neighbourhood than the city district. The development of neighbourhood associations thus offers a model of mid-level governing between the city government (with its districts government) and individual buildings. Nevertheless, while one can talk of a trend in historical districts[109], no such neighbourhood movement has emerged in *Mustamäe* and FOAs face the incapacities of the city on their own. Due to those incapacities resulting from post-socialist changes and anti-continuities FOAs have been, by necessity, the actors that have become more capable in *Mustamäe*.

With the central government decision to move towards private ownership and FOAs in 1990s, individual apartment buildings have become the primary actors to take the responsibility of their living environment and it has been an understandable move to attach other responsibilities to their agenda. The FOAs' field of responsibility has enlarged so they are now expected to take care of parking lots as well as renovating the building. While parking lots on the kerbside space of traditional city streets (as in *Kalamaja*) are seen as a local government responsibility, the physical layout of housing estates lacks clearly designated streets. Housing estates, as showed in Section 8.3.2, are rather like vast parks with buildings in them and roads meandering between the buildings allowing access. Buildings do not line streets with their own designated and fenced backyards, with parks located in separate areas as in older districts such as *Kalamaja*. FOAs in housing estates are thus centres of deliberation, decision-making and activity inside these park-like structures, capable not only of showing interest but also of acting in areas around them. With the number of flats usually around one hundred (if not more), such FOAs are quite powerful actors in governing and have emerged as pragmatic targets for taking over some of the responsibilities of governing in housing estates.

[108] The conversations with activists who challenged the city in 2010—many of whom are also my friends or acquaintances in Tallinn—highlighted the value of a common enemy (the paid parking in their neighbourhood) for citizen organising. The 'enemy' had different meaning for different people but it was yet a singular entity and in that, a uniting force.

[109] See, for instance, www.linnaidee.ee (last accessed 3 September 2014). Nevertheless, it must be noted, that these neighbourhood associations are collectives of active citizens and thus do not necessarily represent everyone's voice in the area.

The decisions in the early-1990s also affected the financial capacities of the local government, making governing through FOAs a logical and pragmatic response. The fact that apartment buildings pay for their own utilities as well as maintain their own construction fund for repair and maintenance leaves no funding sources for local government to act in the collective interests of housing estates. This generates a context whereby the city can only use its general budget for intervention. The general budget, however, is also the source for many other expenses in the city.[110] Local governments are indeed responsible for many tasks in Estonia—the list of responsibilities is open and could contain anything that is important for the local life—while municipalities do not possess many options to increase their budget on their own.[111] Therefore, the current situation where the government is extended without extending the general budget, by using PPP approaches[112] whereby funding comes in a large amount from the affected private actors (the FOAs) could be seen as a pragmatic response to solve the 'parking problem'.

There is thus a sequencing of decisions: by privatising all the residential blocks the decision-making by FOAs becomes a pragmatic governing solution. The city is not providing parking lots in a top-down way because it does not have to (FOAs have been created and are capable in taking over the tasks) and because it cannot do so (as there are no finances that would match the tasks). Even though the decisions made in early 1990s did not anticipate the decisions in the late 2000s, they still provided conditions for the later decisions. The early 1990s aim of a radical break with the socialist reality—as discussed in this thesis through anti-continuity (see more in Section 4.3 and 6.4.2)—poses limits as to what can be done later on. If one would thus argue that the city follows neoliberal governmental technologies by governing through FOAs, it is not because it has done so by design but rather because alternative solutions to achieve

[110] This conundrum of how city's financing is curtailed and dependent on 'choices' where other issues might be more important for the city than car parking was expressed by two city officials I interviewed about the management of parking provision in housing estates (Interview no. 49; 23 August 2013).

[111] An example of year 2013 income for the city of Tallinn illustrates this. Over half of the city's income (56%) was from the Income Tax which is collected by central state institutions and transferred to local governments based on where citizens are registered; 22% was direct transfers from the central government for education, social care and other services, and investments; a further 6% was from Land Tax also managed by the central state. From the remaining 16%, about two thirds (12% of total city budget) is fees for services (including bus tickets, schools and kindergartens, renting of city's properties). Local taxes are just about 2% of Tallinn's income; half of it is parking tax.

[112] As a vice-mayor expressed in private e-mail correspondence on 19 August 2013 (see also note 106).

goals are limited and the solution described in this section emerged pragmatically. Thus, as the section highlighted, the two components of neo-liberalism—an active state and active citizens organised into groups—result more from the historical contingency and physical space than any actual ideology. The physical space of housing estates requires centralised intervention. Formerly made decisions to privatise apartments/land while also forming FOAs curtail centralised planning; it leads then to a historically specific and pragmatic post-socialist form of neo-liberal governance.

8.5 Chapter conclusions

While the regular narrative of neo-liberalism focuses on the role of (a circulating) ideology, this chapter showed the importance of materiality and post-socialism in understanding the working of governing procedures which could be named 'neo-liberal'. It is true that governors also exhibited ideas regularly characterised by the term neo-liberal by, for instance, promoting the responsibilisation of housing estates' residents, so that they take their lives into their own hands. However, such a way of subjecting is not merely the consequence of a vision possessed by the governors but is also based on various other factors, among which I identified materiality and post-socialism (and their combination).

The selection of techniques by the governing authorities is shaped by the materialities to be governed which in the case discussed in this chapter also embodied planning thoughts from the Soviet times as post-socialist continuity. The materiality firstly led to a problem—the 'parking problem'—as the physical plan did not fit with the increased car ownership levels. The Soviet housing estates were planned for low car-use and utilised a model whereby large numbers of cars were not planned to penetrate inside the superblocks. Such a model, however, has been radically transformed by increasing car use in Tallinn, creating a new and more car-oriented vision of housing estates. Such a model, generated by the recurring activities of cars, has also received backing from the local government who devised policy, offer funding and land to be used for parking lots. Secondly, the physical reality of the housing estate necessitates a centralised form of governing. The way buildings are positioned makes *laissez faire* approaches impossible and requires an actor on a more encompassing scale than a single building to mediate and make decisions. Thirdly, the way buildings are positioned also makes them possible centres for decision-making and acting. The members of FOAs routinely show

interest in their surroundings even if it is not the land they own: trees, bushes, green plots and parking spaces around a particular apartment building all fall within the area that residents from that FOA actively use.

Post-socialist changes from the early 1990s onwards have also affected contemporary policy decisions. When the decision was made to privatise housing estates and form FOAs in Estonia, the shift towards governing based on those collectives was as well initiated. As FOAs possess governing capacities as well as finances that they can leverage from their members, they have become centres for organising in the housing estates. That has also been the case with car parking. Even though in the early 1990s nobody knew exactly who was going to organise parking in housing estates but as FOAs existed, tasks *could be* attached to them. Those governmental tasks also *had to be* attached as the local government lacks financial capacities to carry out the range of tasks requested by the citizens. FOAs are now the principal actors of governing in housing estates. They take care of parking provision but possibly of even more tasks in the future unless some neighbourhood-wide associations emerge as in some older districts closer to the city centre of Tallinn.

This expanding use of neo-liberal governing techniques—governing (car parking) through FOAs in the housing estate—is thus not simply a result of an ideology but conditioned both by materiality and post-socialist continuities and changes. The chapter thus drew attention to the two key notions of the thesis—material governmentality and post-socialism—by highlighting how they could help in understanding urban governing procedures that otherwise invite the use of the term neo-liberalism.

9 Conclusion

This dissertation set out to explore materialities of urban governing in relation to the increasing car use and strong value placed on individual freedom in post-socialist Tallinn. Noting the complex nature of governing whereby different actors pull in diverging directions, the investigation highlighted the importance of materiality in shaping technologies of governing. With the study located in the city of the former Soviet Union, moreover, it was possible to engage with the notion of 'post-socialist cities' and to draw theoretical insights from a context less often considered for conceptual development in urban studies.

The study of car parking governing in the city of Tallinn showed how such an apparently mundane aspect of city life—car immobility—is in many ways a complicated matter where questions about governing are also questions about how the state and citizens should interact. While such everyday facets of cities often fall under city government capacity to direct, the twenty years of post-socialist parking disputes analysed here demonstrated that questions about liberty or constitutionality are not too abstract or too important to be dealt with in conjunction with how city regulations are enforced and parking lots built. The 'freedom to park' in post-socialist automobility is to keep the state at bay. However, it is also to summon the state to the help when the freedom to park is restricted by someone (like businesses enforcing their rules in Chapter 7) or something (such as the Soviet built environment in Chapter 8). Thus, the freedom to park denotes mainly an antagonistic stance towards the state in Tallinn but in many ways still needs the support of it.

9.1 Conceptual advances offered by the thesis

Overall, the thesis offers three key advances for urban studies. Firstly, the dissertation advanced the research ethos that understands cities as complex entities with no underlying or fundamental development or process to focus on. Secondly, the dissertation showed the importance of attending to materiality in order to understand governmental processes in cities. Thirdly, the dissertation showed the way in which the local conditions in specific contexts can be brought into analysis as analytical aspects rather than as descriptive differences. These three advances will be addressed in what follows before highlighting some lines where the research opened up in this thesis can be taken further.

9.1.1 An argument for paying attention to details

First, the thesis sees states, societies and cities as characterised by a complexity whereby one should not only focus on bigger political processes or economic aspects. There is a lot going on in cities; a lot of it is mundane and hardly paid attention to in traditional analyses. The theoretical current in urban studies that has been most attentive to such complexity of cities has been actor-network theory as well as science and technology studies and assemblage approaches. These were used as inspiration in the thesis and reviewed more thoroughly in Chapter 2. However, in order to add the analytical attention to political questions and power relations, the research framework of governmentality was drawn into the analysis. The concept of material governmentality developed in Chapter 2 aims to capture the material relations of governing alongside with various manifestations of freedom.

The thesis dealt with a particular socio-materiality too often neglected until about a decade ago: automobility. With the analysis of automobility as a system, cars and their spaces have firmly found their way into sociological analysis of cities. There is an understanding in urban studies now that contemporary urban forms such as suburban living patterns with sprawling residential areas, motorways and large shopping malls were enabled by automobiles and various elements that have been assembled to the system of automobility. Nevertheless, despite its spatial and political effects in cities, strongly evident in the case of Tallinn, car parking has been a neglected aspect of automobility. This thesis, thus, aimed to undertake a socio-material analysis of car parking. The question of parking, indeed, is not just about parking as such but raises questions about how the state deals with its citizens, how governing can be carried out and how residential districts—such as housing estates which house half of the Tallinn's population—should be organised and governed. Attending to the details in the complexity makes possible a more comprehensive view of cities than offered by critical urban studies. However, by introducing the notion of material governmentality, I aimed to provide a way to be at the same time attentive to materialities and political processes in the complexities.

9.1.2 The importance of materiality: material governmentality

The second key advancement of the thesis—drawing attention to materiality in governing processes—emerged in the discussion of the car parking governing in three ways.

First, the problems that governors set out to tackle often have a material character. The accommodation of automobiles in the city—which was the problematic that this thesis dealt with—is a complicated question largely due to the materiality of cars. Cars require space and space is in lack in urban environments. Each chapter treated a different material characteristic of the increasing car use in Tallinn: the problem of governing parking on public streets (Chapter 6), the question of providing more parking spaces outside the street space (Chapter 7) and the question of dealing with instances where cars have already claimed space for them (Chapter 8). Transport planning engaged with all the three issues. It suggested certain measures for governing (wheel clamp), the use of minimum parking standards, or in other ways considered the matter of parking as in general a question for governors to deal with rather than for individuals or individual companies to solve. While the material nature of problems often makes them topics for specialist fields of knowledge, there are other rationales that are involved with the question of governing. Material problems are criss-crossed with political, cultural and social concerns. The suggestion for a social scientist here, however, is not to see the latter as over-riding materiality but to see social and material questions as intermixed. The other two points outlined here give more substance to why one should attend to the materiality in the socio-material assemblages.

Secondly, materiality is a tool of governing which can be utilised to allow certain activities and restrict others. In transport planning such material limits include different road elements that restrict cars from crossing lanes on highways or driving out of the road. Regarding parking regulations, cities often utilise bollards that block cars from entering pedestrian spaces. The case of wheel clamp presented in Chapter 6 is similar as it blocks a car in such a way that it cannot escape the parking spot without the driver paying the fine. Artefacts are also brought into use in order to allow certain practices. The examples include devices introduced to shift the behaviour of drivers into more sustainable practices. Braun (2014), for instance, gives an example of fuel consumption gauge in cars that by showing more precise information about fuel burning up than usual fuel consumption measuring devices aims to bring ‘economy’ in to drivers’

behaviour. Jones et al (2013, chapter 4) similarly deal with the street design as a nudge to citizens' travel choices. The neighbourhood unit design as well as *cul-de-sac*s that were discussed in Chapter 8, are all socio-material governing devices that at once restrict (cars to drive through) and allow (pedestrians to take shorter routes). Nevertheless, while materiality is a tool of governing, it is not only that, being itself more than a mere device in the hands of regulators.

There are at least two ways in which materialities exceed governing. Materialities, firstly, draw in other concerns than simply the aim to govern more effectively. A wheel clamp in Chapter 6 turned out to be a too effective governing device, raising questions about the extent to which citizens should accept the state intervention into the use of private property. Materialities, secondly, cannot be fully tamed for the governing purposes. The materiality always exceeds the thoughts that try to direct and control it. The legal experts in Chapter 6, for instance, faced the limit of the materiality of parked cars as a direct obstacle that could not be overcome and governed in a way they thought post-socialist citizens should be. Faced with these material limits, they had to take into account that governing is a materialist activity. This leads to the final, third, point here.

Thirdly, the thesis proposed to see governing as essentially a materialist activity—material governmentality. To regulate, thus, means to regulate 'men and things' (Foucault, 2007) rather than merely the society as a human collective. Governing is linked with materiality so that to govern is at the same to govern in association with various materialities. The governing procedures that legal practitioners eventually devised in Chapter 6 were attentive to the material problematic of the materiality of parked cars that have no driver present. In Chapter 7, the governing of private parking lots was shown to be tied to the surface material of the areas. The tools of governing were related to ways of materialisation. Gravel positioned parking lots outside the local government's governing tools. With different materialisations—for instance tarmac instead of gravel—such private parking lots would have been subject for urban planning regulations. In Chapter 8, the governing of housing estates emerged as an intensely materialised problematic. The ways of governing in those sites are both shaped by the physical layout and aim to deal with the various physical objects such as parking lots, children playgrounds, trees, benches, etc. Residents' lives are interwoven with those physical entities in housing estates so that the improvement of their lives is also the

question about how to govern materialities. To govern means, thus, to govern the cities and societies as material phenomena.

9.1.3 Re-thinking post-socialism

The third advancement in urban studies after complexity and materiality that the thesis offered was that of re-conceptualising the notion of 'post-socialism'. I proposed to rework the term away from it being merely a description of a certain region—a post-1991 Central and Eastern Europe—which it tends to be even in otherwise sophisticated and critical analysis of post-socialist cities (e.g., Hirt, 2013) and societies (e.g., Stenning and Hörschelmann, 2008). Compared to previous approaches, the 'post-socialism' as conceptualised in this thesis applies to particular details rather than to the societies and cities as totalities. The term could apply to these aspects as continuity denoting longevity of certain socialist ways of doing, and as anti-continuity referring to a situation whereby change has occurred but the change is still in many ways bound to what has taken place before. Those three points about post-socialism—applying to certain aspect, referring to continuities and bringing out anti-continuities—are the main facets that this thesis stresses for urban studies in relation to the term 'post-socialism'.

Firstly, post-socialism should be seen as applying to certain aspects rather than to cities or societies as totalities. While being 'post-socialist' echoes difference from other cities and temporariness of their existence, the conceptual move whereby the term is applied to certain aspects reduces the danger of subscribing whole societies into backwardness or on the development path. As 'post-socialism' would not apply to the whole region or characterise a particular condition, it can be introduced for making sense of specific details whereas different analytical terms can be used for all sorts of other aspects. I do not argue, thus, that Tallinn is post-socialist but I claim it to have many aspects that can be analysed through the notion of 'post-socialism'.

Understanding post-socialism as a characteristic of certain aspects comes into conjunction with the research ethos of material governmentality proposed in Chapter 2 and summarised in the previous section of the conclusion. The researcher attending to the complex character of cities will note particular techniques of governing, specific artefacts and materialisations, and particular references to 'post-socialism'. In this thesis, I applied post-socialism in relation to the Constitution (Chapter 6), parking standards (Chapter 7) and physical layout of Soviet housing estates (Chapter 8). While

post-socialism applies to particular aspects it nevertheless does not do that in the same way. The 'post' referring to 'socialism' could mean different things: it could be change, continuity or anti-continuity. With the first one already taken for granted by researchers and public, I will unpack the latter two below.

Secondly, the concept of 'post-socialism' can be analysed as continuity. This understanding of 'post-socialism' refers to the contemporary cities as hybrid with some of the elements also having their histories in the Soviet time. The focus on continuity thus challenges the understanding of social change as transition from one order to another. In the thesis I pointed out two such continuities. Firstly, Chapter 7 discussed the parking standard which is one of the few characteristics of a strong state that could be identified in relation to the governing of urban car parking. Parking standards, however, existed in their basic form throughout the late-Soviet era. It was thus argued that their strength in the contemporary times rested precisely on their continuity. Secondly, Chapter 8 discussed the continuities of a Soviet housing estate. A significant share of the urban population in Central and Eastern Europe lives in housing estates built from early 1960s till the end of 1980s with the percentage in Tallinn as high as fifty per cent, making housing estate the principal form of urban living in many cities in Central and Eastern Europe. The physical form of housing estates, which remains as continuity of what was built and designed in the Soviet times, does not just exist passively but is intermingled with the lives of its inhabitants. For instance, the physical form of housing estates provides possibilities for adaptation to automobiles. The lack of parking spaces that was built into the urban form has been overcome through the malleability of grass, whereby grass itself was provided in abundance following the principles of modernist housing. The continuity of the physical form moreover requires an active hand from the state, leading to forms of governing that are more centralised than could be expected from sites mainly in private ownership. To understand what happens in a contemporary city, thus, there is a need to pay attention to what the city is building on as the past influences the contemporary processes.

Thirdly, the concept of 'post-socialism' can be analysed as anti-continuity. I argue that in addition to post-socialist continuities and undeniable changes, there are aspects that might seem simply to be changes but are not quite so straightforward. Even if the issues that the researcher encounters in Tallinn appear to be different from the Soviet ones, they can still have a connection to what happened before. They are related to the past as

a negation of it. In this thesis, Chapter 6 discussed the Constitution and rights for individual property in relation to anti-continuity. Namely, the legal construction of cars as property and property as a constitutional object posing restrictions on municipal interference to its use was not simply characteristic of the new importance positioned on private property. In practice, as the chapter traced, the protection of private property relied on the desire to move away from the ways in which the Soviet system treated—or was thought to have treated—its citizens. The city authorities restricting the car use by using wheel clamps or assuming the guilt of car owner instead of determining the actual driver who violated norms appeared thus as what a totalitarian state acting outside the proper 'democratic' legal procedures would do. The governing methods utilised by Tallinn were thus contested by legal actors drawing from constitutional rights in the country. Such contestation of what is seen to have existed before is precisely what is meant by the notion of anti-continuity.

By these revisions of 'post-socialism' I hope to provide urban studies with a tool for analysis that moves beyond area studies' limitations. I will next outline what the main theoretical framing of the thesis—material governmentality—offers for urban studies.

9.2 Material governmentality and urban studies

The research offered the framework of material governmentality to capture developments in contemporary societies. In this thesis, I elaborated on the concept particularly in an urban area that has also been characterised by history of the Soviet power. The notion is made of two components and it also offers two lessons for urban studies. One the one hand, it stresses the importance of materiality in influencing the ways in which cities are organised and change. On the other hand, it draws attention to processes of governing which are integral parts of the urban life. I will now unpack those points below.

Firstly, while it is a simple claim that cities are made of material elements, comprising buildings, streets, pipes, wires, cars, bicycles, human and non-human flesh and so on and so forth, the point is to make them matter for urban analysis. The thesis offered a case where materialities were taken into account not only in order to acknowledge cities as socio-material entities, but also to understand post-socialism and the construction of state. Similar analysis could be taken further to other topics. Thus, the analysis regarding such popular themes in urban studies as gated communities, suburbanisation,

neo-liberalism or gentrification—increasingly so in relation to the cities in Central and Eastern Europe—could be revised by more consistent attention to what material entities are at play, or how questions have an implicit material nature. It does not need much imagination to perceive materialities in relation to all these four topics, whether regarding gates, buildings or motorways. Putting more importance to the particular entities thus revises the ways in which urban studies concepts are perceived.

Secondly, the issues of city life can and should be seen as questions of governing. The city does not emerge merely on its own, nor is a development determined by such underlying processes as shifts in capitalism. Instead, there are a variety of activities going on aiming to manage the interaction between individuals and things. While it is true that cities are 'self-governing' by various groups and street-level regulators as discussed by Jane Jacobs (Magnusson, 2011), the city governors still intervene into many of the aspects of the city life including those of traffic, visual order of private property or social behaviour (which I discussed in Chapter 3). Such activities offer a rich source of material to be studied for understanding how cities function. These regulations also draw attention to questions of freedom. On the one hand, those governing activities clash with freedom and could become sources of controversy from the position of 'left' and 'right' alike. On the other hand, such governing procedures provide freedom in dense urban environments where the interests of some come into conflict with those of others. Municipality parking regulations—such as paid parking—that this thesis dealt with are great examples of regulations that are targets for critique due to being municipality cash machines but that also manage the otherwise limited resource of urban space. Thus, urban studies could attend more to the arts of governing urban living, drawing out the complexity of this task and its political nature.

Attending to the combinations of materiality and governing in urban environments makes visible the situations in which urban environment necessitates, in certain aspects and times, directive diagram of governing instead of liberal ones. The way in which urban environment might be particularly susceptible for such governing procedures merits further analysis.

9.3 Potential future research

While there are thus many instances in which materiality and governmentality could be comprehended in future studies, there are two which started to particularly interest me

while carrying out the doctoral research and which I aim to investigate further in the future.

One of these themes is the analysis of apartment buildings as socio-technical questions bringing together human collective, materiality, and property relations. An apartment building forms a collective of individuals who in Estonian case are mostly owners of their homes. At the same time, however, an apartment building forms a material entity that needs to be managed in some way collectively. In the thesis I looked into housing estates that contain buildings governed by flat-owner associations (Chapter 8). Even though in the post-socialist order those buildings are privatised and invite sentiments of privatism (Hirt, 2012), the building itself still necessitates the community to be held together. I am interested in unpacking the relationship between what the materiality prescribes and what members of the building desire. A building is thus criss-crossed by material governmentalities that span the level of the building, a local government and the state, and consider various governing initiatives as well as property relations. Soviet apartment buildings are seen by some governors in Tallinn as material problems in need of renovations, perhaps even demolition, but all these governmental questions are problematic due to the private property rights. Furthermore, as I showed in Chapter 8, the building with its socio-technical community extends beyond the confines of the house itself to the streets and courtyards. Managing or seeking to manage areas around the building thus further complicates the socio-material problematic that a building is. It also brings to the fore the ways in which the city is made of various governing bodies that deal with the city as not only a social entity but also a material one.

Another theme that the dissertation opened up in terms of auto-mobility, but that further invites the analysis through the framework of material governmentality, is the condition of pedestrians in urban mobility. Pedestrians designate a very different materiality than cars. Yet, pedestrians are also subject to governing which is what Blomley (2011) unpacks in relation to pavement. I am interested in critically examining the different ways in which pedestrians are governed, how those regulations relate to the materiality of the question at hand and in what ways the notion of freedom comes in. In Estonia, for instance, pedestrians are treated in various ways similarly to cars: they have to follow traffic laws as cars do or face fines, and they are obliged by law to wear a particular material device—a reflector—to increase their visibility. Like automobiles, then, pedestrians would be checked by police to ensure that they are ‘road-worthy’.

Pedestrians are not considered the same way in different societies, as the ways they are considered depends also on the diverging understandings of law and governing. While in the UK, for instance, pedestrians are allowed to cross streets whenever and wherever they wish for, in Estonia there are legally designated zones and times when this can be done whereas violations of those rules will result in punishments. Pedestrian mobility is thus a question of material governmentality in the ways in which pedestrians as bodies are considered by governors, how pedestrians behave in actual urban space, how laws treat freedom of movement, and how the urban environment is designed to either limit or enhance pedestrian mobility.

There are, of course, a wide-variety of governmental questions regarding freedom and materiality to be explored. One could, for instance, use the concept of material governmentality to study spatial regulations of smoking in cities or the governance of pets. Nevertheless, the two topics summarised above are those that most directly grow out of the investigation of urban car parking offered in this thesis and thus allow for expanding the notion of material governmentality to other aspects of life, with the first suggested topic also continuing an elaboration on ‘post-socialism’.

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Appendices

Appendix A: The list of interviews

No.	Date	Role	Reasons for interview
1	4 April 2011	Municipality transport expert	City official who has worked in the city government for nearly two decades and has been responsible for managing parking issues during all the time
2	5 April 2011	Former MP	MP during the debates of the Parking Act in 1995; led the law-making process
3	6 April 2011	Transport expert	Leading transport expert in the country
4	11 April 2011	Transport expert	Leading researcher on parking related topics
5	12 April 2011	Municipality transport expert (former)	Worked in the city transport department since 1968, a head of it in early 1990s
6	4 February 2012	Transport expert	Leading transport expert in the country and specialist on parking standards
7	8 February 2012	Transport expert	Leading transport expert, a head of the group that compiled the first post-Soviet Transport policy document in Tallinn
8	16 February 2012	Environmental activist	Head of the first parking management company in Tallinn
9	17 February 2012	municipality expert	Expert who has been employed by the city but also by various central state authorities. One of the persons responsible for drafting the Parking Act
10	20 February 2012	Environmental activist	Leading environmentalist who supported the introduction of paid parking in Tallinn (in 1993)
11	2 March 2012	Environmental activist	Leading environmentalist in the late 1980s and early 1990s
12	29 February 2012	municipality transport expert	Works in the city's transport department since late 2000s and is responsible for parking issues
13	1 March 2012	municipality transport expert (2nd time)	*[see interview no. 1]*
14	6 March 2012	Journalist	Journalist who documented traffic issues in early 1990s

15	14 March 2012	municipality expert	Former municipality official in environmental matters and architect (one of the Mustamäe General Plan authors)
16	15 March 2012	municipality transport expert (3rd time)	*[see interview no. 1]*
17	28 March 2012	municipality transport expert	Former head of the city's transport department (in the middle of 1990s)
18	10 April 2012	former politician	Vice-mayor of Tallinn in early 1990s
19	14 April 2012	Lawyer	Lawyer in traffic related issues
20	3 May 2012	municipality transport expert	Head of city traffic department
21	3 May 2012	municipality transport expert	Official responsible for handling the database containing all the traffic signs
22	3 May 2012	municipality transport expert	Official responsible for all sorts of traffic management elements in areas around the city centre
23	7 May 2012	municipality expert	Official in urban planning department (expert on general planning); long term experience of working in planning
24	16 May 2012	municipality transport expert	Official responsible for all sorts of traffic management elements in the city centre
25	11 June 2012	Member of Parliament	MP and citizen activist
26	6 July 2012	Environmental activist	Environmentalist who was active in early 1990s
27	9 July 2012	municipality expert	City official in Mustamäe city district government
28	12 July 2012	municipality police official	City official working at municipal police *Mustamäe* sub-unit.
29	17 July 2012	apartment association	Head of a flat-owners' association
30	17 July 2012	apartment association	Head of Estonian Union of Cooperative Housing
31	17 July 2012	apartment association	Head of flat-owners' association
32	27 July 2012	apartment association	Head of flat-owners' association
33	31 July 2012	apartment association	Head of flat-owners' association
34	10 September 2012	municipality transport expert	City official, responsible for parking issues in late 2000s

35	17 September 2012	apartment association	Head of flat-owners' association
36	18 September 2012	municipality expert	Head of Urban Planning Department (a sub-unit of detailed plans)
37	24 September 2012	municipality expert	City official in the planning department, responsible for application of parking standards
37	24 September 2012 (together with the previous one)	municipality expert	City official in the planning department, responsible for application of parking standards
38	19 September 2012	municipality expert (Helsinki, Finland)	Finnish parking experts interviewed to get an insight of parking governing in Helsinki that is near to Tallinn and often considered an inspiration
39	24 September 2012	apartment association	Head of flat-owners' association
40	25 September 2012	municipality transport expert	Head of Tallinn Transport Department
41	2 April 2013	Private parking	Manager of one of the private parking companies
42	2 April 2013	Developer	Former board member of country's leading real estate development company; still works in the business sector
43	3 April 2013	Developer	Representative of one of the leading real estate development company
44	3 April 2013	former politician	Former municipal politician and head of real estate developers' association
45	3 April 2013	Developer	Representative of one of the leading real estate development company
45	3 April 2013 (together with the previous one	Developer	Representative of one of the leading real estate development company
46	4 April 2013	Private parking	Manager of one of the private parking companies
47	4 April 2013	Private parking	Manager of one of the private parking companies
48	4 April 2013	Architect	Head of Estonian Association of Design Bureaus
48	4 April 2013 (together with the	Architect	A well-known architect. The other person I organised interview with invited her to

	previous one)		participate as well.
49	23 August 2013	municipality expert	City official dealing with the programme *Hoovid Korda* (‘Courtyards into order’)
49	23 August 2013 (interviewed together with the previous one	municipality expert	City official dealing with the programme *Hoovid Korda* (‘Courtyards into order’)