AT STREET-LEVEL: BUREAUCRATS AND THE SPACES OF REGULATION

by

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CHAPTER 1: INTRODUCTION

The ways in which state institutions regulate society and space have significant consequences for contemporary urban life. Regulations such as building codes, specifying construction techniques and floor plans; liquor licenses, which regulate alcohol sales and service provisions; and public health ordinances, such as food preparation techniques; order social practices in cities according to the political objectives of government, policy makers and local elites. Regulations are also expressions of hegemonic discourses which provide a normative framework for how social and economic practices should be conducted in the city. These regulations and discourses need to be understood as necessarily political in character even as their technical nature allows them to be understood as apolitical (Rose, 1999).

Regulations are generally understood to be universally applicable across any territory upon which they are imposed. This is a key element of law since through its universality, it can be seen to be impartial and objective (Weber, 2002). From this perspective, no person or place should receive more sanction or less protection from the law. Indeed, regulations appear rational and objective through their ageographical character; regulations which seem to target certain places or individuals over others lose this air of rationality and appear as political instruments. In practice, however, enforcement is often selective and geographically uneven (Lipsky, 1980; Jonas et al., 2004; Jones, 1997) as is illustrated by formal legal structures governing neighbourhood standards where regulations are tied to specific geographical settings and informal

variations precipitated by the diversity of businesses, individuals, contexts and circumstances covered by regulations. This, in turn, produces an uneven and often unstable geography of urban activity where certain practices, for example, panhandling, noise pollution, and untidy premises are tolerated in some neighbourhoods, or parts of neighbourhoods, but strictly prohibited in others.

Despite this, many contemporary studies of urban policy tend to assume the uniformity of state regulation at the local level. Their focus is on policy itself and what insights into urban politics can be gleaned by examining the regulations drafted by government. Thus, these literatures have largely overlooked the selective and political character of enforcement within urban neighbourhoods and the micro-practices that produce uneven geographies. Following the neoFoucauldian governmentality approach (Rose, 1999; Hacking, 1991; Mackinnon, 2000; Dean, 1999; Burchell et al., 1991), I argue that regulatory enforcement practices are in themselves sites of ongoing social negotiations and that the people charged with administering regulations such as liquor, health and housing inspectors are a relatively unstudied yet vital part of the political economy of contemporary cities. My research project seeks therefore to contribute a detailed ethnographic analysis of the practices, politics, and geographies of selective regulation. This will produce a more nuanced account of how bureaucratic policy is enacted at the local level and will contribute to scholarship on the political economy of local governance specifically by demonstrating how an attention to these minor governmental figures is essential to understanding processes of governance and the production of the urban built environment.

Just as work from authors like Harvey (1989) and Smith (1996) have called attention to the unevenness of economic development in cities, so too can it be seen that the enforcement of regulations is similarly geographically uneven. In neighbourhoods across Vancouver, the enforcement of regulations reflects differing priorities of what is deemed permissible and acceptable. As is the case in many contemporary North American cities, Vancouver's neighbourhoods represent a complex geographical materialization of socio-economic stratification cut through by processes of neighbourhood change, gentrification, de-industrialization and immigration. Empirical findings in the chapters which follow will demonstrate how the practices of street-level bureaucrats are implicated in these processes through shifting and geographically particular enforcement procedures in the gentrifying downtown core, affluent west side and traditionally working-class east, while at the same time maintaining a focus on how these geographies are not ontological facts but produced in part through these processes.

This research project examines how bureaucrats working at street level exercise discretion in the enforcement of regulations and how regulations and regulatory enforcement shape urban space in Vancouver.

1.1 Regulation, Enforcement and Discretion: Research Questions

Regulation and enforcement are instructive lenses through which to examine processes of urban change and the political economy of cities. Lipsky (1980) argues that it is at the scale where policy is enacted rather than formulated that it is best studied: "…the decisions of street-level bureaucrats, the routines they establish, the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out" (xii; italics in original). This emphasis on the operationalization

of regulations is central to my concern with the enforcement of bylaws and codes at the local level. Regulations frequently persist in bylaws long after the need for them has expired while others become applicable in new ways, beyond the intentions of their original formulators. Similarly, regulations may speak to a past political or moral system which no longer has relevance to the present. Yet regulations are rarely stricken from the books; they are amended, or more commonly, the enforcement practices of these regulations change. The disparity between regulation as it appears in bylaws, what is perceived at certain times and places to be the spirit of the regulation, and how regulations are enforced is often not a matter of such public or policy scrutiny as to be legally amended. More often the enforcement priorities of specific regulations are mediated by officials through the professional exercise of discretion. Discretion is exercised on the part of enforcement officials who make decisions about the relative priority of regulations they are charged with administering. Drawing on work by Hawkins (1992), Lipsky (1980), and governmentality approaches (Rose, 1999; Weber, 2002), discretion will be analyzed in this project as both a necessary and problematic feature of street-level bureaucracy and as a corollary of emergent neoliberal processes of professionalization within bureaucratic structures (see Chapter 2). Discretion appears in this project as a mode through which geographies of uneven regulation are produced and also as practice where competing governmental discourses and bureaucratic understandings of space are manifest.

The central concern of this research is to understand how enforcement officials working at street level understand urban space, their roles as public servants, and the activities they are charged with administering. Following this, the project examines how

the actions of street-level bureaucrats produce space and what their role is in the contemporary political economy of cities. Guiding research questions are:

- How do street-level bureaucrats understand space and how do their actions produce space?

- How do these understandings of space inform their exercise of discretion?

- How do discretionary enforcement practices create an uneven regulatory geography in cities?

Implicit in this discussion of bureaucrats' understandings of space is the concept of discourse and the discursive construction of spaces. This project focuses on how bureaucrats understand space by examining the way they talk about the city, and what these discourses tell us about their understandings of it.

1.2 Methodology

This research examines the regulation of city spaces and the practice of discretionary enforcement through interviews with street-level bureaucrats in the inspections divisions of the British Columbia Liquor Control and Licensing Board, the Vancouver Coastal Health Authority Restaurant and Food Service Inspections Department, and the City of Vancouver Licenses and Inspections Department. The research focuses on inspectors themselves but also includes contextualizing interviews with senior bureaucrats in management positions in the departments. Using theories from political economy to provide a background for the issues at stake and governmentality as an analytical framework, I conduct interviews in this project with street-level bureaucrats in an attempt to examine how they understand the city, their position in local governance

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and how their actions produce particular spaces. I interviewed eighteen people in total: two from the Liquor Control Department, four from the Health Department and twelve from the Property Use Department. One of the interviews in both the Liquor and Health Departments was with a person in a managerial position and there were two managers interviewed in Property Use. The remainder of the interviews are all with inspectors who work in the field conducting inspections and ensuring compliance. In each department I began by contacting a person in management and requesting an interview, a strategy which was successful in all three cases. At the end of each of these initial interviews, I would inquire as to whether I could interview members of their staff as well. Managers in the Property Use and Health departments agreed with this and gave me access to their staff but I encountered resistance from the Liquor Control Department which is why there are so few interviews from that branch. As such, the project is much more focused on health and property inspectors, though I am unsure as to what effects this may have had on the quality of data I have gathered in this project.

I feel confident that the major themes I have drawn out in the project are applicable to all three departments even where there are material differences in their practices and responsibilities which make them unique. This confidence has emerged from my analysis of the interviews and the common themes which have become apparent with inspectors in all three branches. While inspectors from each division are concerned with different regulations, they share sites of intervention and very similar methods. The NIST teams (City of Vancouver, 2005) I will discuss in this thesis are a fitting example of this because inspectors from all three departments work in tandem, sharing information and enforcing their respective regulations in shared, coordinated raids.

Further interviews with inspectors were gathered through the snowball sampling technique where each interviewee was asked to refer two or three other inspectors. This process was also successful and a vast majority of the inspectors I contacted this way eventually led to interviews.

This thesis will proceed first by outlining the contemporary literature on the political economy of governance with attention to the role played by minor figures central to this project. I turn then to governmentality approaches in order to assert the importance of such figures and the mundane practices which characterize their role in governance; first by focusing on the practice of discretion and how it is a mode of bureaucratic practice essential to the production of regulatory geographies. Secondly, I examine how work by Steve Herbert (1996) provides a model for such scholarship and how the geographical imagination of the state as theorized by James C. Scott is essential for understanding the production of bureaucratic subjectivities proposed by governmentality. I conclude with an overview of governmentality proper, demonstrating how these theoretical interventions work with each other to broaden our theorization of urban governance. The chapter which follows provides a description of the empirical context of contemporary Vancouver and the specific institutions under investigation. It concludes by identifying four organizing discourses of street-level bureaucracy which parallel the work of Steve Herbert referenced above.

In the two empirical chapters that follow, I provide detailed discussion of the findings of my research and draw parallels between it and the discussions of governmentality and political economy which preceded it. In these chapters, I examine the importance of negotiation and education regulatory processes; the concept of "raising

the bar" in discretionary enforcement, the discourse of minimum standards in regulations, and processes of neighbourhood change and enforcement priorities as they relate to the geographies of enforcement.

By focusing on how street-level bureaucrats administer regulations, the governmental practices they embody, and the political economy of Vancouver in which they are working, the critical goal of this research is to better understand how the actions of administrative, supposedly apolitical, actors are instrumental in the production of urban spaces.

CHAPTER 2:
CONCEPTUAL FRAMEWORK: APPROACHING CONTEMPORARY URBAN GOVERNANCE

The research questions which organize this thesis are questions explicitly

concerned with what Nikolas Rose (1999) describes as the how of governance. The

questions ask specifically how street-level bureaucrats understand space, produce space,

how these understandings inform discretion and how this discretion contributes to uneven

regulation. Each of these questions is concerned therefore with the doing of governance,

how it operates and through what processes. These questions, and the thesis itself, do not

seek to use the state as an explanation of social phenomena, rather the research is directed

at the workings of the state itself, seeking to understand the mechanisms through which it

operates and the individuals who make up the state. In this chapter I contend that

analyses of urban governance need to take into account the role of these minor figures of

the state and the apparently mundane practices for which they are responsible. Failing to

do so risks conceiving of the state simply as source of explanation rather than something

which itself requires explanation.

A central tenet of contemporary urban studies is that cities are not static but are

constantly in flux, altering their form and composition as capital, knowledge, and

political social relations circulate through them and change within them (Harvey, 1982,

1989; Massey, 1993, 2005; Brenner and Theodore, 2002). In the context of the

production of the urban built environment, for instance, Logan and Molotch (1987) argue

that cities function as "growth machines" wherein the interests of capital are reflected in

the built environment and in structures of local governance. They, among others (Cox and Mair, 1988) argue that actors, such as real estate developers, local politicians, lobby groups and local elites form social and economic alliances to promote pro-growth agendas and enhance the exchange value of urban property.

At the same time, cities are shaped by the actions of community groups and residents association who oppose growth agendas on grounds of community or heritage preservation, rent controls or state service provision. Through political campaigns, protests and direct action, such groups create their own social and economic alliances which advance competing agendas for remaking urban space which tend to emphasize use value (Blomley, 2004; Ley, 1996; Mitchell, 1996; Hassan and Ley, 1994; McCann, 2002). Contemporary urban political economy thus conceives of cities as products of fluid processes of change between the built environment and the use or exchange values that characterize it. This literature also acknowledges however, that the state plays a key role in mediating the actions of the market and community groups. Attention to the role of government, governance and regulation is an essential aspect of how the built environment and social practices of the city are constituted.

David Harvey (1989) summarizes this theoretical approach precisely when he laments that much of the political economy literature privileges the state over "broader coalitions of forces within which urban government and administration have only a facilitative or coordinating role to play (1989, 6). In this approach, governance involves "a wide range of institutions and actors in the production of policy outcomes, including non-governmental organizations, quangos, private companies, pressure groups and social movements as well as those state institutions traditionally regarded as formally part of the

government" (Painter, 2000). Governance is this literature is alternately conceived as "actor-networks", "regimes", "growth coalitions" and a host of related terms from different theorists. What these approaches share is a focus on governance as opposed to government and a critical attention to the state which rejects antiquated conceptions in favour of a more complex and nuanced theorization of how the state is embedded in urban political structures. What this literature all too often neglects however is an examination of the multifaceted internal processes within the state that constitute it. While institutions and the state have been rightly recognized as "actors" in governance, the state is still conceived as an actor rather than something which is composed of actors.

Nikolas Rose refers to these approaches as attempts at a "sociology of governance" and directs his critique at them for precisely this blind-spot I am referring to. This approach, he argues, treats the state as the explanation rather than the question. For sociologists of governance, the object of investigation is "an emergent pattern or order of a social system, arising out of… exchanges between 'intermediate' social actors, groups, forces, organizations, public and private institutions" (1999, 21). For Rose, understanding the "emergent pattern" is too hasty; if the object is understanding the political economy of the city, we cannot do so without unpacking the actual apparatus of the state. What is required is an approach which pays attention to the strategies of the state, its techniques, and how problems of political economy are being defined (20).

Wendy Larner (2003) echoes this when she directs attention to the "apparently mundane practices through which neoliberal spaces, states and subjects are being constituted in particular forms" (511, see also McCann, Forthcoming), arguing that if all our attention is given over to the effects of governance, we miss its actual operation, what

Nikolas Rose refers to as the "how" of governance and what this project is concerned with.

How then might one conceptualize an empirical study which seeks to build upon, but extend, political economy understandings of urban governance? I argue that the theorization of governance in the political economy literature outlined above ignores the workings of the state itself and that this "black box" requires further examination. In the sections that follow, I discuss the role of street-level bureaucrats in urban governance, turning first to the category of discretion and how it is an essential component of bureaucratic practice. I then examine what Steve Herbert (1996) refers to as "organizing discourses" which structure discretionary decision-making and are essential to understanding the particular focus of this research. This focus on discourse is continued through a discussion of James C. Scott's (1998) analysis of the geographical imagination of the state. Finally, I discuss the literature on governmentality, identifying it as a theory which brings these themes of discretion and discourse together and has the capacity to significantly deepen our understanding of political economy. I argue that an analysis which concentrates on the role of bureaucrats entrusted with the responsibility of enforcing regulations – regulations which are pivotal in processes of neighbourhood change for example – and which profoundly affect the space and use of the city enriches and enhances our analyses of urban governance and geography.

2.1 Understanding Urban Governance Through Street-level Bureaucrats

2.1.1 Discretion

While bureaucratic positions are often characterized as administrative and routine, in practice many bureaucrats working at street-level are entrusted with a significant amount of responsibility. Bureaucrats are charged with the actual administration of regulations and the exercise of discretion over how this is to be done. Bureaucrats are given the responsibility of determining when state sanction is given for governable activities and when prohibitions are called for. This discretion is an essential element of the bureaucrat's role as a political actor. While regulation is drafted as universally applicable, in practice it must be administered selectively since the complexity of lived experience in the city cannot be reduced to objective norms. Criminologist and legal scholar Keith Hawkins (1992) writing on discretion from a legal perspective, argues that discretion is a key component of bureaucratic practice for reasons of pragmatism as well; he notes that the preponderance of regulations which would be necessary to govern every situation an official might face would be so vast that it would render the process completely impossible. Bureaucrats must, to a certain extent, exercise discretion so as to make the practice of administering regulations possible. This element of discretion is critical for governmentality, for it is where the importance of a self-governing subject, who has inculcated discourses of governmental rationality, becomes apparent. Bureaucrats exercise discretion in specific ways because of the discourses of appropriate conduct that they have internalized through governing themselves and in coming to understand their position in relations of political power as bureaucratic subjects.

Foucault (1978) is explicit about the importance of these "relations" for understanding governmentality. Conceiving of bureaucrats - or any governmental actor – outside of their position in intersecting relations of power misunderstands the role of power structures in the production of individuals and subjectivities. The street-level bureaucrat is a unique figure because of her/his position in relations of power. In this relational position they become more than simply individuals; through the inculcation of governmental discourses and the role they play in power structures, street-level bureaucrats become properly governmental subjects.

Lipsky (1980) expands on Foucault's concept of how government can be theorized through the examination of governmental actors in particular relations of power and provides a grounded theorization which deals with the role of street-level bureaucrats in particular. Lipsky is concerned with how citizens experience government policy and argues that understanding how policy is experienced by the people who encounter it is a more powerful account than simply how it is drafted in legislation. For Lipsky, the actions of street-level bureaucrats constitute the actual policy of the state whether or not these actions correspond directly to what is intended or specified by policy elites:

> The decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures effectively become the public policies they carry out... public policy is not best understood as made in legislatures or top-floor suites of high-ranking administrators, because in important ways it is actually made in the crowded offices and daily encounters of street-level workers (Lipsky, 1980, p. xii).

The immediacy of street-level bureaucrats' interactions with citizens makes them the primary face of government and government policy, whether they are teachers, police officers or health inspectors.

Tying this discussion back to the concept of discretion, Lipsky notes the discourse

of *professionalism* which is mobilized in current discussions of street-level bureaucracy.

The emergence of professionalism as a concept being applied to positions in government

which have not always been thought of as such should immediately alert us to the

parallels with Nikolas Rose's reading of governmentality and neoliberalism; as part of the

tendency towards constituting subjects as "entrepreneurial" and self-motivating, the

Fordist conception of the bureaucrat as functionary is replaced with the bureaucratic

professional. With this shift to professional status comes the issue of discretion because

professionals necessarily exercise discretion in ways that the so-called pencil-pusher does

not. While there is little quantitative data presented by Lipsky as to whether

discretionary powers have increased amongst street-level bureaucrats since the 1970s it is

the discourse of discretion associated with professionalism that concerns me here and in

my interviews with management in inspections divisions, this discourse of

professionalism was clearly in evidence as subsequent chapters demonstrate.

Lipsky points out in addition that discretion in street-level bureaucracy is a

constant feature and one which is called upon when discussions of the efficacy of service

provision emerge. His analysis parallels Hawkins' assertion that discretion is a necessary

characteristic of such bureaucratic positions because of the complex nature of the fields

they regulate. He argues that street-level bureaucrats' engagement with citizens and the

activities of the city make it impossible to reduce their responses to "programmatic

formats" (p. 15). In addition, he notes that while bureaucrats are often called on to make

uniform decisions without the exercise of discretion in the interests of fairness, they are

also frequently called on to exercise discretion in the interests of responding to unique and individual situations:

> to a degree, the society seeks not only impartiality from its public agencies but also compassion for special circumstances and flexibility in dealing with them (ibid).

Indeed, discretion functions dialectically for street-level bureaucracy in that those who seek to improve the quality of state services often do so at the level of discretion: alternately limiting it at times and expanding it at others. To the extent that street-level bureaucracy is entrusted with the regulation of complex lived social practices, discretion will remain a necessary and problematic theme in its implementation. As this discussion of the practice of discretion illustrates, an analysis of political economy which focuses on state structures alone misses important aspects of how actual public policy is materially and discursively constructed. A conceptual framework that includes governmentality is attuned to the operation of the state and the practices of the minor figures with which it is populated.

2.1.2 Space, Discourse and the State

These questions of how discourses structure bureaucratic behaviour are picked up in novel ways by geographer Steve Herbert in his ethnographies of police officers in the Los Angeles Police Department which parallel Rose's concern with the how of governance (Herbert 1996, 1996b, 1996c). While Herbert's work is empirically concerned with the police, the discourses he identifies may be seen as broadly representative of bureaucracies and in this way, his work contributes to an understanding of governmental discourses and the rationalities of the state. In these works, which emerge out of eight months of ethnographic research spent with the Wilshire division of

the LAPD, Herbert develops a theory of police territoriality which argues for a geographic reading of the power of the police through the control of space. Herbert asserts that the space of the police is a space of "tactics", an emptied and abstracted space particular to the geographical imagination of the state (1996a, 575; see also Scott, 1998). In examining this police space, he calls attention to the discourses which animate police territoriality and actions. Herbert identifies two such "orders", one formalized and one less so, each composed of a series of practices and discourses. The formal orders are made up of systems of law and bureaucratic control, each which has profound implications for police powers. Law, he argues, determines what officers are responsible for investigating as well as what means are appropriate to that investigation. Police officers see social activities in terms of whether they conform to or violate legal codes; likewise they begin to see space in terms of what police actions are permissible at particular time and places. Herbert uses the example of domestic violence as an illustration of this conception of space: since the law makes a clear distinction between public and private space, officers find the investigation of domestic violence much more problematic than violence on the street and such crimes are frequently less scrutinized (1996a, 572).

Systems of bureaucratic control are similarly powerful in determining police territoriality. Just as the law determines what is a crime and therefore the responsibility of the police, so do bureaucratic structures. Police may be charged with the enforcement of 'vice' crimes, gang activity or simply walking a beat. Officers who investigate specific types of crime have a narrower range of 'interests', but a broader territory over which to establish control, officers on the street have a more limited geographic area to

cover, but a far more comprehensive scope of activities they must police. Structures of bureaucratic control also inform police actions at crime scenes where a clear chain of command based on military models establishes who is responsible for controlling the scene and what duties officers must perform in securing space (574). Herbert argues that disagreement over appropriate courses of action at crime scenes and more broadly often turns on the tension between formal discourses of law and bureaucratic control and the less formalized discourses which are equally powerful in structuring police territoriality.

Of these less formal discourses, he references a number which emerge from his ethnographic research. Amongst them are adventure/machismo, safety, and morality. These discourses are frequently invoked by officers in describing and explaining their actions. Machismo and adventure are referenced as desirable qualities by officers, frequently as an ideal opposed to bureaucratic control, where officers depend on instinct and bravery in order to solve crimes rather than relying on time-consuming bureaucratic procedures. This promotion of heroism however is countered by an equally prevalent focus on safety with officers frequently referencing being able to "go home at the end of the watch" (575) as a justification for actions. Officers consequently rely heavily on advanced technologies of surveillance like police helicopters, in-car computer databases and radio communication to report their precise location in order to ensure safety and give them tactical advantages over criminals (ibid). Throughout officers' discussions of their roles as public servants and what informs their decisions Herbert also notes a strong moral discourse. His research subjects frequently speak of the criminals they investigate as 'bad guys' and view the police as 'good guys' who protect society from them. This morality expresses itself in highly spatial terms according to Herbert:

Moral boundaries are erected between good and bad people, and these boundaries are maintained by jailing the latter. Space is thereby purified of its moral pollution and a sense of order is ostensibly restored (578).

Herbert's ethnography produces a lucid account of police territoriality and the discourses which inform it. His attention to how discourses function in bureaucratic structures of governance parallels Rose's concern with the how of governance and can be seen in some ways as research in the same tradition as scholarship informed by Foucault's argument on governmentality. Herbert's framework of formalized and less formal orders that structure police actions can be seen as broadly representative of discourses which animate bureaucracies other than simply the police (Lipsky, 1980; Foucault, 1978). Part of this research project will be examining the relevance of Herbert's categories in the case of street-level bureaucrats in order to evaluate whether the groups share common categories which could be seen as discourses of the state more broadly.

This issue of state discourse which runs through Herbert and also governmentality is addressed by James Scott (1999) in terms of state conceptions of space. Scott makes the argument that the geographical imagination of the state is a profoundly modern development and is unlike that of its citizens. Paralleling Lefebvre's (1991) notion of "representations of space", he argues that such a geographical imagination is abstract, and creates an 'empty' space where governmental reason may be exercised over an ageographical terrain. Such a geographical imagination attempts to impose order upon variegated landscapes and in doing so produces spaces unique to the modern state.

Scott uses the birth of modern forestry science in 18th century Germany as an example of the power of this geographical imagination to shape space. Growing wood shortages of the time were beginning to become problematic for the state since accurate predictions of timber yields were becoming increasingly unreliable. The birth of the forest scientist comes as agents of the crown begin cataloguing royal forests and creating inventories of tree species and their distribution. The forest is seen here as a resource which may be exploited systematically, which differs sharply from its use by neighbouring peasantry who similarly depend on it. What emerges from these efforts to enumerate and catalogue is the creation of new forests, as scientists begin replanting single species of trees in ordered rows to increase yields of desirable timber and make felling more efficient (1999, 18). The imposition here of the abstract values of the state has significant effects for European forests; the regulated forest, or normalbaum, is created which represents a profound remaking of the landscape and is indicative of a distinctive governmental relationship to it. Scott's theorization of the geographical imagination of the state parallels Herbert's because of their focus on discursive constructions of space and the relational and particular ways that different actors conceive of and produce space. In the following, final section, I discuss in greater detail the concepts of governmentality which I have alluded to earlier. This theory, with its focus on the mundane practices and minor state figures provides a valuable theoretical framework in that it takes actors like street-level bureaucrats seriously, sees discretion as an essential element of public policy provision by focusing on the actual doing of governance and recognizes the importance of discourse in the construction of bureaucratic subjects.

2.1.3 Governmentality

This section identifies the central concepts of Michel Foucault's theories on governmentality and how these concepts have been further theorized by subsequent governmentality authors. I then discuss how governmentality can be used to help understand the role of street-level bureaucrats and finally turn to those authors in the political economy literature whose work either echoes the concerns of governmentality or draws on it. I argue that governmentality enriches our understanding of political economy through the attention that it pays to the apparently mundane practices of governance the role of actors like street-level bureaucrats in processes of urban change.

Government is conceived of quite broadly in governmentality; it is not limited to the formal politics of parties and parliaments but appears in myriad forms throughout the social fabric, in institutions and individuals. Nikolas Rose (1999) argues that governmentality is distinct from approaches which study the "sociology of governance" (16). These approaches are similar but differ in their perspective; each agree that governance goes beyond simply the actions of the state; for sociologists of governance the object is to identify structures of governance in society, of which the state is only one actor alongside other institutions and social actors. This approach easily complements analyses of political economy. Governmentality on the other hand is concerned less with structures than with how truth and authority are produced in governance and how the issues addressed by government come to be. To examine governance through governmentality is to investigate "what authorities of various sorts wanted to happen, in

relation to problems defined how, in pursuit of what objectives, through what strategies and techniques" (Rose, 1999; 20).

Rachel Weber (2002), in discussing the role of the state in real estate development, makes reference to the power of law and science to legitimate state projects: "to the extent that knowledge justifying state priorities can be construed as natural, scientific "truths" perform the task of reproducing the values and credibility of state institutions (524). Danny MacKinnon (2000) goes further and examines how governmental discourses produce systems of regulation which order the behaviour of actors in governance. He calls attention to the specific "managerial technologies" employed by the state in regulating institutions, such as budgetary management, audits, and target setting (293).

Governmentality calls attention to individuals engaged in the mundane practices of governing. Through its concern with the how of governance, it addresses the role of minor figures who are often overlooked in conventional political economy. Wendy Larner (2003) comments that understanding governance requires understanding "the apparently mundane practices through which neoliberal spaces, states and subjects are being constituted in particular forms" (Larner, 2003; see also McCann, Forthcoming). Minor figures like street-level bureaucrats are taken as important actors in the production of governance, paralleling Lipsky's (1980) assertion that the actions of such bureaucrats constitutes the actual public policy that is carried out. Governmentality seeks to interrogate how the state enacts governance and focuses on how actors like the street-level bureaucrat come to be: how they see themselves as public servants and what discourses inform their understanding of space and the decisions they make.

Street-level bureaucrats form part of this web of governance and may be seen as specific subjects – both governing and governed – at the intersection of various discourses of conduct and power. While their role in governance is commonly seen as administrative, it is productive to think of these figures as actors who produce governable space. This administrative appearance should not mislead us however; it is important to recognize it as a powerful political and rhetorical device in that it has the power to neutralize political action. By making appeals to the objective, the routine, the administrative, political actions can be rendered apolitical (Rose, 1999). This language of objectivity permeates systems of governance, making that which is political appear administrative. Street-level bureaucrats occupy a unique position in government where this language is enacted in space and their position can be seen as one where government policy encounters the lived social practices of the city.

Through its focus on the minor figures of governance, mundane practices, and the how of governance, governmentality can be seen to echo the theoretical interventions of Lipsky, Herbert and Scott in turn. Scott's concern with the geographical imagination of the state is paralleled by Rose and other governmentality authors' interest in governmental rationalities and discourses. Similarly, Herbert's ethnography addresses the issue of the discourses which inform state officials' actions and contributes to Rose's call for research into the how of governance. Recent work by these authors and others demonstrates the utility of governmentality in understanding the political economy of governance and it is to this theoretical synthesis that my project contributes. Wendy Larner, in a Society and Space editorial from 2003 calls for exactly this sort of synthesis when she problematizes the term neoliberalism as it is commonly used by geographers.

She criticizes traditional political economy approaches which treat neoliberalism as stable category which produces uniform effects and follows consistent methods, ignoring the myriad variations of neoliberalism which have appeared in North America, Europe and Latin America. What is needed, she argues, is a dialogue between post-structuralist approaches such as governmentality, and political economy; this project aspires to just such a critical amalgamation. Political economy establishes a valuable framework for understanding the role of capital and state politics in shaping the built environment and socio-economic character of the city, while governmentality and work by Scott and Herbert calls much needed attention to two important issues which animate this research: (1) the importance of mundane practices and minor figures in structures of governance, and (2) that such minor figures are constituted through governmental discourses which inform both how they understand space and how their actions produce space.

CHAPTER 3:
EMPIRICAL CONTEXT
AND ORGANIZING DISCOURSES

In this chapter I will outline the meso-level context and concepts for this research

drawing on the conceptual framework outlined in the previous chapter and describe the

empirical sites where the research was conducted. The empirical sites include the three

institutions in which interviews were conducted as well as a brief description of

Vancouver, British Columbia. This discussion of Vancouver is important in that it

describes the particular urban politics, economics and history in which regulations and

the bureaucrats who enforce them operate. Likewise, the description of the institutions

which make up these branches of governance provides the necessary empirical data for

understanding the scope and mandate of the institutions in which street-level bureaucrats

conduct their affairs. Through these descriptions – and in parallel with the concepts

drawn from the literature review – this chapter concludes with what I understand to be

the organizing discourses of street-level bureaucracy, a set of themes which organize

bureaucratic practice at this level. These organizing discourses are (1) order, (2)

uniformity, (3) livability, and (4) the public good. They have been developed from my

interviews with bureaucrats and are explored concretely in the empirical chapters which

follow.

3.1 Post-industrial Vancouver

Vancouver has been transformed since the mid 1980s from a regional centre to a globally connected city with significant property and capital linkages to the Asian Pacific Rim. Furthermore, it is tied increasingly to global capital flows (Ley, 1980, 1996; Mitchell, 1996). These changes have involved a significant remaking of the property markets of the city, the character of the downtown core specifically, and its overall socio-economic makeup. At the heart of these transformations in the city's social, economic and relational character are: (1) a changing economic base as deindustrialization has occurred and as Vancouver has moved towards increasing dependence on the service and quaternary sectors; and (2) new relationships of trade and competition with other cities involving international property speculation and real estate development.

This element of competition is critical here. A key outcome of neoliberal policies like floating currency exchange rates and the elimination of controls on capital movement has been cities' need to adopt economically competitive policies to attract and fix increasingly mobile global investment capital (Brenner and Theodore, 2002). Just as national governments now find it difficult to pursue socially progressive agendas and risk capital flight, cities like Vancouver scramble to cut government spending and provide an attractive business atmosphere for investment. David Harvey (1989) describes this process as urban entrepreneurialism and details a number of strategies employed by cities under conditions of neoliberalism which are found in Vancouver. Among them, he includes spectacular events like World's Fairs and Olympics, festival-styled marketplaces, shopping centres and revamped waterfronts, sports franchises and stadia,

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along with policy shifts towards public-private partnerships and an increasing reliance on tourism as a source of revenue.

One defining characteristic of these strategies, Harvey notes, is the highly localized nature of investment, aimed at fixing capital at the local level (1989, 13). Vancouver's 1986 hosting of a World Exposition (Expo 86) is one of the most discussed and spectacular example of such strategies, and certainly one of its most successful (Ley and Olds, 1988). Each of the other strategies has been employed in the city before and since, however. Examples include: the designation of Gastown as an historic site in 1971 and its rebirth as a tourist area (Smith, 2003), to the construction of Canada Place in 1986 as a cruise ship terminal and hotel/convention centre, the transformation of Granville Island in the late 70s from an industrial park into a shopping and recreation venue, the short-lived Vancouver Grizzlies NBA basketball franchise and most recently the successful bid for the 2010 Winter Olympic Games.

In addition to these large-scale projects, downtown Vancouver has been remade through privately-led and state sponsored gentrification. This has taken the form of large-scale developments such as Concord Pacific Place on the north shore of False Creek, costing over 3 billion dollars and creating 9,100 residences, by far the largest ever development in the city, and more incipient small-scale processes like the gentrification of the Grandview-Woodlands area around Commercial Drive and in the Downtown Eastside (DES). Coupled with, and symptomatic of changes in the economic base of the city, the effects of gentrification on the socio-economic makeup of Vancouver demonstrates a growing economic polarization in the city as Ley (1996) notes in his study of increasing quaternary sector employment in downtown Vancouver. These changes

have had serious material consequences for residents in the city. As rent and housing prices have risen, and affordable housing has been renovated or demolished for incoming gentrifiers, existing residents have been displaced. Maps showing the distribution of single resident occupancy (SRO) hotels in the 1970s through the 1990s show this clearly as hotels in neighbourhood after neighbourhood have closed or have been upgraded, leaving the DES as one of the only concentrations of affordable housing for low income singles.

Gentrification has not gone uncontested in the city, however. Resident groups from a variety of political backgrounds have emerged to challenge the process, from the Strathcona Property Owners and Tenants Association (SPOTA) in the 1960s to the Downtown Eastside Residents Association (DERA) in the 70s to the present day. These groups have fought specific projects, such as Project 200 in the 60s which proposed a freeway which would have levelled much of Gastown and Chinatown (Ley, 1996) and also, in DERA's case, advocated for social justice causes and housing rights for residents of the DES (Blomley, 2004). With the election of the Coalition of Progressive Electors (COPE) in 2002, a centre-left municipal party, issues long argued for by DERA were given political will in the Vancouver Agreement (2000) which placed some limits on the extent and structure of subsequent gentrification in the DES through "one-to-one" replacement guarantees for SRO housing and renewed commitments to the protection of housing (Smith, 2003). The Agreement and other policy instruments, which emerged concurrently, sought to address issues facing the city in the wake of changes wrought by Vancouver's transformation into a largely post-industrial city. These issues include crises of social reproduction such as homelessness, drug abuse and epidemic levels of

HIV/AIDS brought on by deepening poverty and the long term erosion of state service provision, affordable housing and controls on the number of SRO residences.

3.2 Empirical Sites

The Vancouver presented here – an archetypical neoliberal city – is the site then for the bureaucrats, policies and processes that this research addresses. As I have argued, the policies and practices of the local state and governmental actors like street-level bureaucrats have profound effects on the city and, in this context of political, economic, and landscape change, their actions are particularly significant. In order to research the ways in which the practices of street-level bureaucrats affect the space of the city and how they are reciprocally affected by it, this project focuses on three institutions which govern different facets of Vancouver's urban life: the Department of Property Use and Licensing in the City of Vancouver, the Office of the Medical Health Officer at the Vancouver Coastal Health Authority and the Provincial Liquor Control and Licensing Branch's Compliance and Enforcement Division. Each of these three departments is responsible for a different aspect of regulation and enforcement in the city but they overlap in that they frequently govern the actions of the same individuals, most commonly restaurateurs and bar owners and they also work in tandem to coordinate enforcement efforts.

I conducted a total of 17 interviews with inspectors and management across these three departments, including one interview with the Vancouver Police Department's Liquor Liaison officer. Interview subjects were gathered through initial emails placed to senior staff members in each department and subsequent interviews were generated through the snowball sampling technique (Bernard, 2000, 179) based on

recommendations from these initial interviews. The majority of interviews were conducted with City of Vancouver Property Use inspectors. I interviewed ten individuals there, two managers and eight inspectors. At the Vancouver Coastal Health Department, I conducted four interviews: one manager and three inspectors. I also conducted two interviews with the Provincial Liquor Control Board, firstly with a manager and secondly with a liquor control inspector. These interviews ranged from 30 minutes in one case to over two hours in another although the vast majority were one hour in length.

Table 3.1:   Table of Interviews

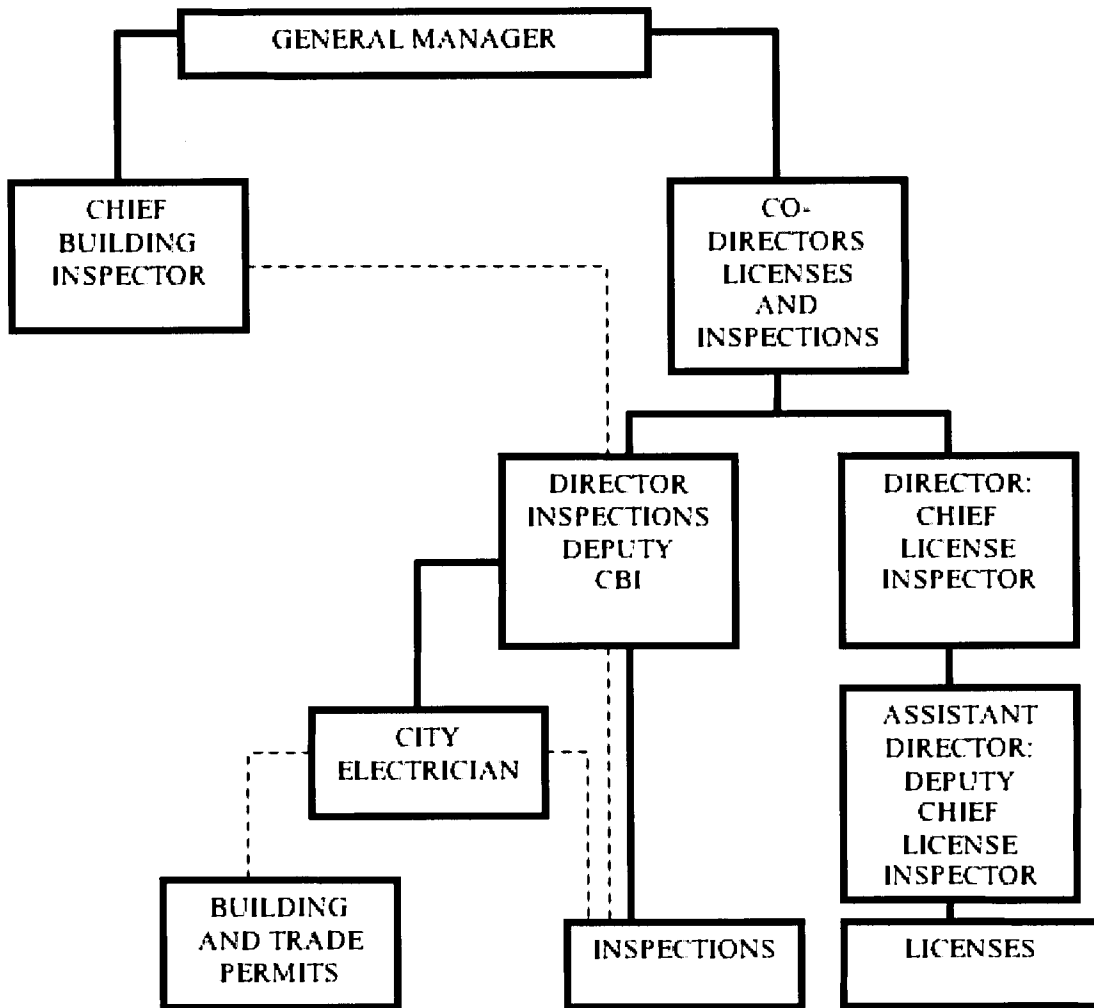| Department	Position	Number of Interviews
City of Vancouver Licenses and Property Use Department	Managers	2
	Inspectors	8
Vancouver Coastal Health Authority Environmental Health Office	Managers	1
	Field Officers	3
BC Liquor Control and Licensing Board Compliance and Enforcement Division	Managers	1
	Inspectors	1
Vancouver Police Department	Liquor Policy Liaison	1

Having established the urban context for this project through the preceding description of Vancouver, I turn now to each of the three institutions where research was conducted. Understanding the mandate and scope of these institutions, as well as their relative scale and position within larger structures of governance at the local and

provincial level is central to understanding why and how the inspectors within them think and act as they do.

3.2.1 City of Vancouver Licenses and Property Use Department

The Licenses and Property Use branch is a division of the Licenses and Inspections department in the larger Community Services division of the City of Vancouver municipal government. The Community Services division is a broad array of government agencies spanning 10 departments, from social planning and non-market housing to the urban planning department and municipal licensing. The License and Inspections department is a subset of Community Services and encompasses building, plumbing and electrical inspections, business and commercial vehicle licenses, animal control, as well as property use and liquor licensing at the municipal level. Within this department, the Licenses and Property Use department's Coordinated Enforcement branch is responsible for inspections, monitoring and enforcement of bylaws. This branch consists of management and inspectors covering twenty-four districts within the city of Vancouver. The exact number of inspectors varies depending on whether temporary and specialized staff are included but each of the 24 districts is maintained by a single property use inspector.

Figure 3.1: City of Vancouver Community Services Organizational Chart.

GENERAL MANAGER

CHIEF BUILDING INSPECTOR

CO-DIRECTORS LICENSES AND INSPECTIONS

DIRECTOR INSPECTIONS DEPUTY CBI

DIRECTOR: CHIEF LICENSE INSPECTOR

CITY ELECTRICIAN

ASSISTANT DIRECTOR: DEPUTY CHIEF LICENSE INSPECTOR

BUILDING AND TRADE PERMITS

INSPECTIONS

LICENSES

Data source: City of Vancouver, 2005, Community Services Organizational Chart. Retrieved, October, 11, 2006, from http://vancouver.ca/commsvcs/orgcharts/coordination.htm

The three principal bylaws that are enforced by inspectors in the department are the Standards of Maintenance bylaw No. 5462, the Untidy Premises bylaw No. 4548 and the License bylaw No. 4450, although the inspectors also regulate a number of issues and additional bylaws dealing graffiti and commercial signage in the course of their duties. Standards of Maintenance bylaws regulate the physical conditions of buildings and surrounding property. These include such common issues as structural stability,

deterioration of paint on exterior walls, dismantled vehicles kept in view on the property, broken windows and the allowable minimum dimensions of rented rooms. Property Use inspectors are distinct from building inspectors and as such do not conduct routine inspections of buildings to ensure they are built to code; however, in the enforcement of the Standards of Maintenance bylaw, inspectors will look for violations of the code and enforce if necessary. The Untidy Premises bylaw adds depth to the standards laid out in the previous bylaw and makes provisions for dealing with properties where weeds or grass have grown in aesthetically unacceptable ways. This bylaw, often referred to colloquially as the "neighbourhood standards" bylaw measures the acceptability of property conditions on the basis of surrounding properties and uses them as a guide. Finally, the Licenses bylaw is a comprehensive document detailing the categories, regulations and fees associated with commercial businesses in the city. This bylaw establishes discrete categories for businesses depending on what sorts of regulatory interventions the city deems necessary. While a majority of retail businesses are covered under general categories such as "retail dealer", more specific categories with correspondingly specific legal requirements apply to businesses where further regulation or monitoring is required. Businesses like pawnbrokers, food service establishments, cabarets, massage and body-rub parlours, locksmiths, kennels and swimming pools must apply for different licenses designed to deal with issues particular to these businesses which the government has defined as 'regulable problems'.

Property Use inspectors enforce the Licenses bylaw both by ensuring that businesses are properly licensed and also that they adhere to the regulations particular to such a license. The Property Use branch acts as the municipal authority for licensing and

property regulation in relation to associated provincial and federal governments. This relationship is both legal and practical. The relationship is legal and administrative in that there is a clearly defined scope of authority for the municipal government; the city dies not have the power for example to grant outright exemptions to laws passed at higher levels of government. The city does however exercise authority in the application of provincial and federal law, specifically with respect to where and when businesses that fall under particular legal frameworks operate. The relationship is practical in that while the city does not always have legal authority for certain things, in practice it has significant control. The example of liquor licensing is instructive here: it is the provincial government which holds the authority to grant liquor licenses rather than the city, however the city must be consulted in the process of any liquor license application. The city makes comments pertaining to whether it feels a new liquor license will have negative consequences for the area where the establishment proposes to be located and city officials I interviewed spoke openly about how applications would not be considered if the city was not in favour them.

3.2.2   Vancouver Coastal Health Authority Environmental Health Office

The Vancouver Coastal Health Authority is a branch of the provincial government responsible for the provision of health care and health protection. Within the VCH, the Public Health branch addresses public health and safety concerns through tobacco control programs, community-care facility licensing and the Environmental Health department under the aegis of the Chief Medical Health Officer, a senior bureaucratic position held since 1984 by Dr. John Blatherwick. The Environmental Health department itself is concerned with "reducing risks at the interface between the environment and the

population" (Vancouver Coastal Health, 2006) and administers several programs mandated by the Public Health Act including food safety, drinking water protection, recreational water quality, air quality, pest control, noise control, and housing and sanitation. Within the Environmental Health department, field inspectors work in one of 25 districts covering the city of Vancouver and are responsible for an array of health issues including food safety, noise control, swimming pool conditions and smoking bylaws. The department is made up of 25 field inspectors, supervisors and two managers who oversee the inspectors. Inspectors are responsible for a wide variety of health related concerns and must be prepared to regulate such diverse situations as whether barber shops are properly sterilizing equipment, whether restaurants are handling food in approved manners and controlling pest problems on public lands. Each district contains approximately 250 permitted food-serving facilities which make up the majority of inspectors regulatory activities with schools, care facilities, grocery stores, pools and other facilities in addition.

The principal legal instruments which govern field inspectors are the Provincial Health Act and the City of Vancouver Health Bylaw No. 6580. That the City of Vancouver maintains its own bylaw regulating public health is a legacy of the health board itself. Until 1996, public health inspections were conducted by the city through the municipal health department. At that point, responsibility for public health was transferred to the Vancouver/Richmond Health Board which became part of the Vancouver Coastal Health Authority in December of 2001. The legacy of the department is still visible in the strong formal and informal relationships between the VCH Environmental Health Office and the City of Vancouver. Field inspectors spoke

regularly of interactions they had with Property Use inspectors who shared their district and communication between the two departments with respect to issues where their mandates overlap. Formal relationships between the two departments are also evident in the Neighbourhood Integrated Service Teams (NIST) composed of inspectors from health, liquor, and property use as well as fire, building and the police which coordinate enforcement efforts between departments.

3.2.3 British Columbia Liquor Control and Licensing Compliance and Enforcement Division

The Liquor Control and Licensing Branch (LCLB) is a division of the provincial Ministry of Public Safety and Solicitor General. While the LCLB is a provincial regulatory body, the Compliance and Enforcement Division is regional; the Vancouver office covers the city itself, Richmond, the North Shore, Whistler, Pemberton, Squamish and the Sunshine Coast. A separate office in Surrey covers other areas in the Lower Mainland and small one-person offices are responsible for smaller centres such as Terrace or Prince George (Liquor Manager 1, July 19th, 2005). The number of liquor inspectors – referred to officially as Compliance and Enforcement Officers – is far fewer than the number of health and property use; there are a total of five liquor inspectors in Vancouver. Each inspector is responsible for a geographical district similar to those of their counterparts in health and property use. Districts average around 300 licensed establishments which compliance officers must monitor and inspect. They are also responsible for special events where alcohol is served and tend to coordinate their inspections with busy times for various establishments – weekends on Granville Street's

nightclub district, Monday Night Football at suburban pubs or "welfare Wednesday" in areas like the Downtown Eastside (Liquor Manager 1, July 19th, 2005).

The regulations which compliance officers enforce are contained in the provincial Liquor Control Act. The act governs the sale, licensing, and distribution of alcohol although inspectors are not generally involved in matters relating to distribution or with the initial stages of license applications as these are dealt with through the central Liquor Control offices in Victoria. Since changes were made to the Liquor Control At in 2001, inspectors now focus their enforcement efforts on four major liquor infractions relating to liquor and food service establishments: 1) overcrowding, 2) access to alcohol by minors, 3) intoxication, and 4) illicit or diluted alcohol. While enforcement is certainly not limited to these issues, they receive additional attention because of priorities set by the provincial government and, in practice, they constitute the majority of compliance officers' time and effort.

Overcrowding relates to the number of persons in a bar or restaurant and what the stated capacity is for the establishment. This is predominantly a problem in bars and nightclubs, where a dearth of fixed seating makes increased capacities feasible and, in the case of dance clubs, even desirable. Bar owners often engage in a subtle dance with inspectors, attempting to squeeze a few extra patrons into the club on busy nights to generate additional revenue in the hopes that they will not be inspected on that night.

Access to alcohol by minors is different in that bar owners do not generally attempt to admit minors in the hopes of increasing revenue, rather they must balance a strict policy regarding identification with efficient access to the bar on busy nights. Similarly they must contend with "fake IDs" and learn to identify forgeries, lest the

inspectors do it for them during an inspection. Recent changes in the Liquor Act which place additional emphasis on this issue have also led to mandatory signage for bars and nightclubs indicating that they require 2 pieces of government-issue identification for people who appear under 25 (British Columbia Ministry of Public Safety, 2006).

Intoxication, according to provincial guidelines, is a legal category measured by volume of alcohol consumed in a given period of time related to body weight (ibid, 13). Inspectors are given a two-day training course to gauge a person's level of intoxication. As a male of 190 lbs, I am in the within the legal range of intoxication after I have consumed 3 alcoholic beverages within a period of 2 hours. If I have consumed 4 drinks within that time, I am well within the definition of intoxication and should not be permitted to remain in a liquor-serving establishment. This is a serious matter, since the owner is potentially liable for over-service, a serious infraction against a liquor license. In practice, of course, many patrons consume this amount of alcohol in bars all over the city without being denied service by the bar or removed by liquor inspectors. Inspectors rely on visible signs like bloodshot eyes, slurred speech, and exaggerated emotions to assess intoxication (ibid) and infraction reports often mention much more substantial indicators such as the inability to sit or hold one's head in one's hands as evidence (Smith, 2004). The conservative definition of intoxication therefore opens up a substantial grey area where inspectors are required to exercise considerable discretion when assessing intoxication and over-service. A liquor inspector describes the process of assessing intoxication:

> Well… it can be hard and sometimes we have a very short period of time. Sometimes it's just a snapshot. I don't want to say you jump to a conclusion because you don't; there are indicators. Sometimes it's almost amusing, someone drunk will come up and actually bump right into us and

practically knock us over, of all the people in the whole place! So sometimes these things literally land in your lap (Liquor Inspector 1, Aug 11th, 2005).

The final issue inspectors are called to focus on is illicit or diluted alcohol. This covers a variety of infractions, ranging from the relatively spectacular (e.g., watered down spirits) to the vastly more common (e.g., liquor purchased outside of sanctioned channels). Licensees are required to keep close tabs on their liquor purchasing and must do so exclusively through government-approved retailers and wholesalers. They must also purchase all alcohol to be sold and consumed on their premises through their own individual license. This liquor purchasing license, issued along with their business license allows the state to regulate and monitor all the liquor purchases they make for their business and through this to keep tabs on how much is being sold. Regulations in this regard are very strict, prohibiting any alcohol from being on the premises – either by the owner for personal consumption or by patrons – which was not purchased through the license. The mere presence of this illicit liquor is enough to be considered an infraction since inspectors cannot be sure how it is being used, if at all. Both diluted and illicit liquor are serious infractions and can result in fines and license suspensions in specific cases.

While the LCLB is the government body ultimately responsible for the regulation of liquor service and sales, it also maintains strong institutional ties to municipal governments. LCLB inspectors participate in NIST teams alongside the health and property use departments and maintain contact with these agencies when priorities overlap, most commonly in the case of problem bars and restaurants. They also maintain formal institutional connections with the Vancouver Police Department, where there is a

bureaucratic position of Liquor Policy Liaison whose stated purpose is to coordinate the police department's concerns over liquor sales with LCLB enforcement and to exchange information. Furthermore, while the LCLB is ultimately responsible for the granting of liquor licenses, the municipal government has a great deal of input into such decisions through the Vancouver Liquor Licensing Commission (VLLC), a body made up of city councillors, senior licensing bureaucrats and police liaisons. This group meets to discuss new license applications and proposed changes to existing licenses (i.e. requests to extend business hours and requests to expand occupant capacities) with owners and legal counsel and sends its recommendation to the LCLB for their deliberation. These decisions are taken very seriously by the provincial regulatory body (Liquor Control Manager 1, July 19, 2005) and while the city does not have the final say on such matters, it is very rare for the LCLB to disagree with the city's recommendations.

3.3 Organizing Discourses

The preceding discussion serves to frame the most empirical aspects of this study. It is important to understand exactly what departments are responsible for, what legal frameworks they operate under and how they relate to one another if we plan to examine how governmental discourses and discretionary enforcement are constituted within the context of Vancouver. In the section that follows I outline four key themes which I term the organizing discourses of street-level bureaucracy.

These discourses emerge from my interviews with 18 inspectors and managers in the three government agencies outlined above and are intended to parallel Steve Herbert's (1996a, 1996b, 1996c) themes governing police behaviour in his influential studies. In and of themselves they do not purport to completely explain the attitudes and practices of

street-level bureaucrats in the abstract, nor are they specific enough to explain individual actions; they are signposts for the more detailed discussion that follows in the subsequent empirical chapters. These discourses are generalized themes which came up repeatedly in discussions and seem to tie together the various forms of discretion that characterize street-level bureaucracy. I provide an overview of them here in the hopes that they will be useful for making connections between the disparate practices of health, property-use and liquor inspectors and will animate the discussion of how these practices are indeed constitutive of a general set of discourses particular to street-level bureaucrats.

3.3.1 Order

In my interviews, inspectors were unanimous in the belief that activities in cities like drinking alcohol, consuming food and tending to one's property ought to be ordered and regulated by the state. This observation seems implicit considering the position in governance occupied by inspectors but it warrants special mention because of the priority that is placed on how such practices are to be regulated in space. There is a clear sense from inspectors that a spatial order is a necessity and natural. This includes classical examples like locating abattoirs far from schools but as issues like noise from restaurants are increasingly defined by the state as problems, such a spatial order becomes more complex and variegated. This concept of a spatial order is important because as widespread as it is, its transparency should not distract us from the fact that it is constructed. As the discussion, in the previous chapter, of Scott's (1998) work demonstrated, the spatial imagination of the state is a specifically modern product and one which has had profound impact on the natural and urban environment. Yet, while the study of street-level bureaucrats underscores Scott's point, and that of Lefebvre (1991)

who understands the state's spaces of representation as similarly abstract and structured, it simultaneously indicates the great degree of complexity and negotiation faced by bureaucrats who seek to impose state-sanctioned order on the city. Occupying as they do a unique position in structures of governance, street-level bureaucrats possess a spatial imagination which is simultaneously state-centric, abstract and uniform as well as commonplace, grounded and variegated.

3.3.2 Uniformity

Uniformity and consistency were cited as both centrally important goals in the process of enforcement and also as deeply problematic. Inspectors frequently referred to the difficulties in achieving uniform enforcement of regulations across districts and within the city itself. This was attributed most often to individual differences between inspectors; "styles of enforcement" such as those who saw themselves as negotiators and those characterized as "hard-liners". While uniformity was discussed as a legal necessity to ensuring fairness, inspectors and managers alike acknowledged that uneven geographic application of regulations was necessary and desirable; whether this be in the case of exercising leniency toward neighbourhoods where old buildings made hygiene more problematic or in some cases entirely not applying a law in certain areas, as is the case in the sale of meats at farmer's markets; a practice which is illegal but permitted in rural markets while it is prohibited in urban areas (Health Manager, July 19, 2005). This tension between the necessity of uniformity within legal structures and the necessity of inconsistency in enforcement animates a significant part of inspectors' regulatory practice.

3.3.3   Livability

Livability is an important buzzword in Vancouver and other North American cities and a concept around which city planners, real-estate developers and bureaucrats alike have rallied (McCann, forthcoming; McCann, 2004). The idea of "living well" in the city, of minimizing inconvenience from noise or untidy premises, is an idea which informs a great deal of how inspectors decide to enforce regulations. Livability so defined presents numerous challenges for inspectors as they grapple with the mixed-use zoning which characterizes contemporary livability-oriented city planning. These practical concerns are paralleled by theoretical and political issues of who benefits from livable cities and what practices are encouraged, prohibited and allowed to flourish. As downtown Vancouver has undergone incredible densification and gentrification and as the social and economic character of the city has changed, the discourse of livability has been employed to justify changes in enforcement and address the concerns of new residents. Inspectors and managers I spoke with often peppered their responses with references to livability and how it was a goal of many enforcement decisions. As such, understanding how this discourse operates, what sorts of practices it encourages and who benefits from it are centrally important to this research.

3.3.4   The Public Good

Finally, the idea of a "public good" comes up again and again amongst the inspectors I interviewed. This should not be seen as mere public relations; while there are a host of problematic issues in the application of regulations along the vectors of class and ethnicity to name just two, the people I spoke to believed very strongly that what they were engaged in was working towards a safer, more livable, enjoyable and

efficiently run city. That these goals are in themselves problematic is a major focal point of this research. I want to make clear, however, that I do not see obviously nefarious motives amongst the inspectors responsible for enforcing the local state's regulatory objectives. What is problematic in regulation and enforcement exists at a far more abstract level: at the level of state discourse.

These four organizing discourses may be seen as representative of the geographical imagination of the state at the level of the minor figures of governance who actually administer public policy. What these discourses enact at the scale of the city is a reciprocal interaction between the production of regulatory space and the spatial production of regulation. In this, governance is played out in urban space and in turn the space of the city encourages certain regulatory responses. In the chapters that follow, I will show how these organizing discourses operate in the working practices and attitudes of street-level bureaucrats.

CHAPTER 4:
INSPECTORS' DAILY PRACTICES:
STANDARDS, EXPECTATIONS, AND DISCRETIONARY ENFORCEMENT

4.1 Negotiation, Education and Enforcement

In each interview I conducted on the topic of regulation and enforcement, the principal questions were always concerned with the concept of uneven regulation. The discussion of this phenomenon would begin with my asking whether the inspector in question felt that regulations were uniformly enforced in the city, whether uniform enforcement was always desirable, and finally if it was in fact unevenly enforced, what accounted for this process? With varying degrees of qualification, each inspector I spoke with acknowledged that enforcement was indeed uneven. These qualifications ranged from those who felt that enforcement varied in significant and important ways from case to case and inspector to inspector, to those who felt that enforcement was by and large uniform and only varied in insignificant and trivial ways. By and large, inspectors were somewhat reluctant to characterize themselves as having a great deal of discretion, often remarking that regulations were "all there in black and white" (Health Manager 1, July 19, 2005) and that they were obliged to enforce them equally. Over the course of the interview however, almost all gave numerous examples of how this was not exactly the case; they often spoke freely about instances in which they did not enforce regulations when they felt that it was unnecessary or cases where they felt a strong message needed to be sent through strict enforcement. The statement then that regulations are "black and

white" is somewhat disingenuous while at the same time, inspectors' reluctance to discuss their discretion is entirely understandable; they do not wish to paint a picture of themselves as bureaucrats who are above the law and free to enforce regulations as they see fit. Simultaneously however, inspectors do not seek to characterize themselves as automatons who slavishly enforce the law without interpreting it and administering it as professionals. Inspectors I spoke with made repeated reference to the professional training they underwent in order to understand the bylaws they are responsible for administering and to understand their spirit and intent. Indeed, at the same time as saying that regulations are "black and white", one health officer summarized a general feeling amongst inspectors when she said "you don't want it to become black and white" (Health Inspector 1, July 26, 2005) referring to the idea that the most constructive work of regulation was conducted at the level of discretion. This tension between obedience to the law and the exercise of discretion is central to the working practices of street-level bureaucrats and became a familiar binary in my interviews.

In the space that opened up in interviews where inspectors were willing to discuss the unevenness of regulatory enforcement, consideration of the desirability of uniform regulation occasionally became possible. Because of the aforementioned reluctance that inspectors had about characterizing themselves as free to enforce regulations as they saw fit, this point was rarely made so explicitly however inspectors nevertheless made repeated reference to cases where they felt that uniform enforcement was neither desirable nor justifiable. Examples of this process, notably where environmental health officers attempt to "raise the bar" of minimum standards and in the regulation of radically different types of businesses which are subject to the same regulations follow in this

chapter. These issues of the occasional desirability of unevenness and administrative discretion are also given a geographic character in the chapter that follows.

When inspectors acknowledged that uneven enforcement existed in their work and were asked what accounted for this process, the explanation that most relied on was differences between individual inspectors, differences they often characterized as enforcement "styles". This focus on the individual as an explanation for uneven enforcement elides more politically loaded factors such economics and geography - which also emerged as decisive issues - but in and of itself the discussion of individualism reveals key tensions in bureaucratic practice. The inspector here is seen as an individual situated in the apparatus of the state, a subject of governance and an instrument of its operation. Far from being a bureaucratic "pen pusher" who simply enforces the law, the inspector here is the modern individual of neoliberalism and governmentality who has professional discretion as well as personal feelings as to how laws are best applied.

The terms that define the binary of enforcement styles as characterized by inspectors are the poles of hard-liners and negotiators. Hard-liners are inspectors who enforce the law rigidly and literally; they exercise seemingly little discretion in enforcement decisions, opting instead to follow standard procedure. Discussion with complainants and violators is limited and hard-liners are more likely to issue formal written orders to assure compliance. A hard-liner in property-use would be an inspector who, seeing an untidy premises, would make no effort to contact the owner but would simply issue a 14 day clean-up notice and leave the home owner to comply. Similarly, a hard-line health inspector would, in the course of a routine inspection, simply note the

problems, write them up in her or his report and leave it with the restaurateur. A hard-liner is thus an inspector who simply follows the rules and operates according to procedures laid out clearly in the technical manuals describing enforcement practices. This characterization is of course a parody, a crude simplification of enforcement which shares more with cinematic and literary representations of the bureaucrat than it does with any real person. As a stereotype however, the image of the hard-liner serves as an image of a particular style of bureaucracy against which inspectors often measure themselves.

At the other pole of this binary, the negotiator is an inspector who relies on her or his discretion in order to administer regulations. Negotiators are more likely to turn a blind eye to violations that they see as insignificant or violations that are not adversely affecting anyone. They avoid issuing compliance orders in favour of discussing problems with violators and attempting to achieve compliance voluntarily rather than through the court system. A negotiator in property use confronted with an untidy premises would not be content to simply issue a compliance order but would attempt to speak with the owner and make their case for remedying the situation. Through this, the inspector would aim to resolve the issue without utilizing the courts unless it became necessary. A health inspector who identified as a negotiator would similarly be less likely to issue formal notices to businesses without first attempting to discuss the issues with the owners and suggest ways of improving them. In general they would still note infractions in their report but they would also speak with the offenders to try and understand why problems were occurring and what they were the result of. For example, if such an inspector encountered less than sanitary surfaces in a restaurant kitchen, they

would spend time having the restaurateur describe their cleaning procedures and making suggestions as to how to more efficiently sanitize while saving time and money. Inspectors in this case can be a wealth of information for new business owners in that they are familiar with a variety of practices employed by established businesses for meeting health regulations while under the financial and logistical pressures of running a business.

Out of the 12 inspectors I spoke to from Health, Property Use and Liquor Control, only one identified himself as a hard-liner; all the rest considered themselves negotiators to one degree or another. Based on information gathered during the interviews themselves rather than how they inspectors self-identified, some who considered themselves negotiators were in fact much more strict in their interpretation of regulations than others and the sole inspector (City Inspector 3) who self-identified as a hard-liner may indeed been over-stating his rigidity, such was the tenor of the particular interview. What is important about this is the overwhelming agreement amongst inspectors across the departments that negotiation is preferable to hard-line enforcement. The reasons most often given for these feelings toward enforcement styles again and again returned to the idea that the most effective means of regulating occurred at the level of discretion. Discretion is where regulation was most efficiently exercised, where it was most balanced and logical and also, for many, where it was most just. Indeed, the simple binary of hard-liner/negotiator was further complemented and given depth by other oppositions which inspectors mentioned in the course of interviews: hard/soft approaches and traditional/modern approaches. Each of these matched up with the hard-liner/negotiator binary used by inspectors and the terms were often used interchangeably

or to explain themselves when asked for clarification of why they aligned with each pole. While inspectors were quick to point out that they were always prepared to enforce bylaws, by and large they wanted to distance themselves from this language and demonstrate that a constructive relationship with property and business owners was their desire. Beyond this, and most important however was the desire to characterize their enforcement style as modern, meaning negotiation as opposed to hard-line. Hard-line enforcement was consistently portrayed as an old and out-dated style which had been superseded by newer techniques.

The reasons for this shift in enforcement styles are difficult to pin down, if indeed a shift has occurred. For example, it is unclear whether hard-line enforcement was ever the norm, or whether the idea of rigidity itself is simply something that inspectors and management measure their practices against. Most inspectors expressed a vague sense that things were more "strict" in the past and that there had been a general shift in departmental attitudes towards flexible enforcement. One property-use inspector surmised that increasing complexity in bylaws and regulations made such flexibility necessary:

> **Interviewer:** Is there a general shift in departmental attitudes?
>
> **City Inspector 2:** Some of it has been and some of it is [because] processes getting much more complicated. Our bylaws conflict more than they ever have. So, in the sense of fairness, even before I've documented anything, I may have had a number of visits with you and I'm still encouraging you to comply [and] doing research... Layer upon layer upon layer, the bureaucracy is growing. They talk about wanting to simplify it but it's too much effort to simplify it (Property Use Inspector 2, October 12, 2005).

While the roots of more flexible enforcement may be obscure to inspectors, either stemming from management practices, changes in regulatory complexity or otherwise, and the existence of an earlier hard-line regime unsure, the discourse of flexibility, negotiation and modern, "soft" approaches perfectly parallels the new technologies of governance discussed by governmentality. Administering regulations through governmentality means moving away from rigid bureaucratic structures where inspectors are compelled to follow procedure inflexibly towards a system where the inspector is properly inculcated in the rationalities of governance and can apply the law discretionarily to best serve the administrative goals. The street-level bureaucrat is here conceived as an individual rather than the iconic bureaucratic automaton mirroring another binary between the statist model of bureaucracy and the emergent neoliberal vision.

At the heart of this transformation in attitudes if not also in absolute practices is the rationale that flexible, discretionary enforcement is more efficient than its predecessor. Going through the process of issuing formal notices and violation reports, issuing second and third notices and then finally being obliged to bring a case against violators before the courts was something few inspectors saw as desirable or even worthwhile. Many inspectors I spoke with made it clear that they were willing to enforce regulations if necessary but expressed a sense of pride about the comparatively few times that it had been necessary for them to go to court. Each sought other methods of negotiation and coercion to remedy problematic situations not simply because of a vague sense that negotiation represented a more modern or enlightened process but primarily

because it saved them time and pleased their superiors. A manager in the Health

Department expressed this sentiment in praising the modern practices of his staff:

> I would say even though we have enforcement, it's minimal. Every time an inspector goes out into the district they're looking at educating and getting their work done through cooperation rather than enforcement. So it's very minimal. If you look at how many establishments we have in Vancouver and look at the closures list, there are very few (Health Manager 1, July 19th, 2005).

Court cases take up a great deal of inspectors' time if they are obliged to do so;

they require extensive evidence gathering, paperwork must be checked much more

thoroughly and lawyers must be consulted. All this effort means that inspectors wrapped

up in court cases are not in the field conducting inspections. Finally, many inspectors

noted that the court system, while it theoretically represented the strongest tool at their

disposal to ensure compliance, was often ineffective. One city inspector described the

process succinctly:

> We have a regular procedure when I come in to your place. You're not complying with the zoning bylaw, let's say. I write a report, you get a letter that's a formal 30-day requirement for you to apply for a development permit. I come back after those thirty days and you haven't done it, then you get a 14-day order. I come back after those fourteen days and you still haven't done what you needed to do. I can write another report and send it to our prosecutor. Now that doesn't get you to comply. You know, we still have a property not in compliance so, you know, I tend not to do that very much anymore (Property Use Inspector 2, October 12, 2005).

The system of the courts and formal bureaucratic procedure is represented here as

a time-consuming and ultimately ineffective process for problems which could be more

efficiently dealt with through negotiation with violators at the level of the inspector her or

himself. These descriptions of the inefficiency of the court system and formal written

orders combined with the general sense that flexible, negotiable enforcement is a newer,

more efficient and rational system are indicative of the current model of enforcement at work in street-level bureaucracies. As examples from this and subsequent chapters will show, discretionary enforcement is a reality of contemporary bureaucratic routine and manifests itself in almost every aspect of inspectors' regulatory practices.

4.2 Minimum Standards and Discretionary Enforcement

While the majority of street-level bureaucrats' time is devoted to the enforcement of regulations, the breadth of their responsibilities and the variety of motivations behind regulations mean that they also engage in interventions which are not, strictly speaking, required by enforceable regulations or laws. Such interventions are most often characterized by attempts by inspectors to "raise the bar" and motivate business owners to operate in ways that go beyond what is require by law. Understanding these interventions requires an understanding of health and property regulations as constituting a minimum standard required by the state but that may not meet the expectations of inspectors who have personal feelings and discretionary power over what are acceptable and desirable standards or what the spirit of the law entails. Interventions of this nature are necessarily problematic in that inspectors are charged with the enforcement of regulations and not with their drafting which is a responsibility of city council, much in the same way as the police are not responsible for the drafting of laws or legislation. Many inspectors I spoke with made reference to the fact that bylaws constitute only a minimum and not necessarily desirable standard; one city property use inspector put it this way:

> It doesn't matter what bylaw you're talking about, any regulation is a minimum standard... That's the main thing to remember when you're doing inspections. Going back to an instructor I had, if someone tells you

they're building your house to code, they're not really doing you any favours, they're building it to minimum standards (COV Inspector 1, July 7, 2005).

Building codes here represent a minimum standard for construction quality that is looked upon with some derision by inspectors and they do not even provide the most striking examples. Hygiene and sanitation regulation illustrate this even more clearly being a more subjective field of intervention than building or safety codes because they are less easily quantifiable. The building code for example specifies standards, which must be met such as types of materials, used or required distance between studs in wall construction. Similarly, building safety bylaws specify where hard hats, work boots or safety harnesses must be worn on job sites, or the number of occupants permitted in nightclubs or bars. These bylaws are easily quantifiable because they relate to measurable phenomena and objects: either studs are 18" apart or they are not, either there are 100 people in a nightclub or there are more or less. These are phenomena that lend themselves easily to being objects of regulation; as another city property use inspector puts it:

> Things were much more black and white when I was working at the bylaw desk, people would come in with plans and I would either tell them that things were okay or they weren't, it's a lot more grey in my current position (City Inspector 5, Oct. 25, 2005).

In contrast, regulations governing health are less easily quantifiable and accordingly more subjective in their regulation. Floors may appear more or less clean, surfaces may be sanitized more or less often, and food preparation methods may vary consistently from hygienic to potentially dangerous. While such regulations are more subjective, this is not to say that inspectors do not possess techniques of numerical

assessment, indeed, health inspectors are armed with a formidable array of methods and technologies designed to render calculable – borrowing Nikolas Rose's (1999) phrase – such a variable and slippery field of regulation. These methods are further accompanied by statistical knowledge on the part of the inspector which serve to support and their regulatory actions, from statistics dealing with numbers of persons falling ill or food-borne illnesses each year to detailed scientific knowledge concerning microbial growth in unrefrigerated foods. These understandings complement technologies of assessment in two ways: firstly they serve to justify their use to businesses reluctant to change familiar methods of food preparation through the invocation of statistics which demonstrate the effects of specific practices at the scale of the population rather than the personal, and secondly, they sit theoretically alongside the larger framework of the geographical knowledge of the state in that they see the individual practices of restaurateurs at a larger scale than through the use of statistics (Hacking, 1991; Foucault, 2003). This state-scale imaginary reveals a particular and unique way of seeing specific to figures of governance like the street-level bureaucrat. It simultaneously sees practices at two radically different scales and evaluates them relationally. Inspectors who are assessing food-handling practices see both the material practices at the scale of the person performing them and also see, statistically and scientifically, the potential effects of such individual practices at the scale of the population.

While the field of hygiene and sanitation is more subjective than others that inspectors are called upon to regulate, there have been no shortage of attempts to render it objective and calculable. The regulation of food preparation and storage provides a fitting illustration of this both through the technologies inspectors bring with them to

measure these practices and in the intensely specific regulations which have been drafted in order to make them calculable. In order to allow inspectors to understand whether foodstuffs are stored properly, coolers, freezers and refrigerators must be kept at specific temperatures, prepared foods must be heated to specific temperatures when left out to inhibit microbial growth and prepared foods which are stored are required to be cooled from their cooking temperature to storage temperature under highly specific circumstances with provincial health regulations clearly stipulating how they must be cooled from 60 degrees to 20 degrees within 2 hours and from 20 degrees to 0 in another 4 hours (Health Inspector 1, July 26, 2005). Inspectors equipped with thermometers can thus measure aspects of food preparation so that they can be regulated and monitored. Similarly, regulations requiring food-serving establishments to post and maintain written sanitation plans which describe legally mandated methods of sanitation and sterilization and where employees sign at specific times during their shift to indicate where and how they have cleaned an area serve as what Nikolas Rose (1999) calls technologies of inscription allowing inspectors to see at a distance how and when required practices are occurring.

Measuring temperatures and reading sanitation plans are not, of course, the same as witnessing in person how businesses conduct themselves, indeed an ideal of regulation in the disciplinary society would be the ability to conduct complete surveillance but this is an impossibility faced by the state in efforts to monitor and regulate practice. Inspectors are forced to rely on indicators like food temperature to understand more nebulous and hidden practices of cooking itself and often ask restaurateurs to describe and demonstrate cooking methods in order to get an idea of how they behave in their

absence. Technologies of inscription in the form of sanitation plans and the idea of governing at a distance through the measurement of food and cooler temperatures should be seen as techniques of governmentality in that they promote particular behaviours and practices in subjects of governance.

Such demands for regulable food practices have not gone by uncontested by restaurateurs however, most commonly when they incur additional costs and labour but also when such regulations clash with traditional or culinary concerns. Two foods in particular serve as long-standing examples of how particular cooking practices occasionally clash with state requirements. Kim chi is a traditional Korean dish consisting of sui choy cabbage marinated in chili peppers which is sealed in a container and left to ferment for a period of a few weeks. It is the most common and widely consumed food in Korea (excepting rice) and is eaten at most meals as a side dish or as part of a cooked dish. While kim chi is also a manufactured food available in stores, it is most commonly prepared in the home or in restaurants. It is traditionally served at room temperature much in the same way as a chutney would be and this is where conflicts arise food safety guidelines, Provincial health bylaws prevent the service of prepared foods such as kim chi at room temperature over concerns about microbial growth and contamination. These bylaws stipulate that such foods be refrigerated and served cold to maintain sanitary conditions or cooked thoroughly in a dish. This clearly runs counter to widely established norms of how kim chi is to be eaten amongst the Korean community and has led to numerous and ongoing conflicts between restaurateurs and inspectors over the issue (Health Inspector 1, July 26, 2005).

Chinese barbecued pork is another food which has caused friction between inspectors and restaurateurs and again, temperature is the issue. Barbecued pork is a popular dish in many Chinese, generally Cantonese, restaurants, being served in a variety of dishes and often advertised by hanging the entire cooked pig in the window of the restaurant. Pigs are commonly barbecued whole either on site or at a specialty shop and restaurants purchase whole or half carcasses. This tradition extends back to Hong Kong and has been imported to Vancouver through extensive immigration. In and of itself, a barbecued pig being hung on display is not an issue with which provincial health regulations have much problem. Cooked foods being left out for consumption over the course of a day occurs in many different cuisines and providing that they are kept hot enough to inhibit microbial growth, health inspectors are satisfied. The issue with barbecued pork is that the temperatures required by the health regulations are significantly higher than what is ideal for the pork itself. When barbecued pork is maintained at the designated temperatures, it quickly loses its moisture and dries out making it less desirable than pork that is maintained at a lower temperature. Patrons of restaurants serving barbecued pork, especially those in Vancouver's Chinatown, have many options within a small area and may easily choose a different restaurant if they are unsatisfied with their meal. Restaurateurs frequently complain to inspectors that they lose business in this way when they follow the law since patrons do not seem to be concerned with the potential health risks. This occasionally leads to restaurants "playing chicken" with health inspectors and keeping pork at optimal serving temperatures to maximize customer satisfaction until they are told repeatedly to change their practices (Health Inspector 3, January 13, 2006; Health Manager 1, July 19, 2005).

While the restaurateurs' position is understandable, given that they are in fierce competition with others nearby serving the same product, the inspectors' position is also understandable considering their concerns for public health and knowledge of the effects of risky food-preparation techniques. While the ministry for environmental health does keep track of incidences of food borne illness, the data are not correlated by type of cuisine leaving little clue as to whether increased illness is actually associated with barbecued pork or kim chi. Health inspectors I spoke with opined that increased illness should be inevitable considering the statistical probabilities and their knowledge of food safety, but in the absence of supporting data they postulated that it was possible that people of different national backgrounds could be at less risk of illness through previous exposure or that it was also likely that there was under-reporting of illness from these groups because they would not be as concerned with minor abdominal problems since they were accustomed to it.

Implicit in these discussions of food handling practice are issues of multiculturalism and the regulation of diverse ethnic cuisines. Inspectors in Vancouver are indeed called upon to regulate a dizzying variety of foodstuffs and food preparation methods. They also interact with a diverse group of restaurateurs, raising issues of communication with people for whom English is a second language and instances where inspectors encounter food preparation procedures which are radically foreign to them. In this latter instance, inspectors often fall back on scientific and statistical knowledges to support their demands for modifications of food preparation practices, citing statistics about disease transmission and ideal temperatures for microbial growth. These appeals to the rationale behind enforcement are often cut short themselves by simple abrupt

statements about local expectations which discount any discussion of multicultural

relativity:

> [sometimes with immigrant restaurateurs] you get the "in my country this is how it's done", and it's like 'well, you're in Canada now, unfortunately, these are our minimum expectations". 'Cause you get that a lot, like kim chi... they keep it at room temperature, and we don't allow it at room temperature so it's just really interesting, cause for them they're like "well, this is just how it's done" and we're like "well, not here", you know? (Health Inspector 1, July 26, 2005).

What these two examples illustrate in addition to issues of ethnic conflict are

cases of conflict between different forms of knowledge and modes of truth-production;

restaurateurs who rely on personal, traditional and cultural knowledge to inform their

cooking decisions, and inspectors who rely on generalizable statistical knowledge about

food-preparation practices. These understandings differ in their sense of scale, their

range of application, mode of transmission and instrumentality. Neither should be seen

as necessarily more correct than the other but rather should be seen as specific discourses

concerning a given set of practices. The discourse relying on statistical knowledge

possessed by street-level bureaucrats is a fitting illustration of how governmental

rationality is enacted by agents of the state and inculcated in subjects of governance,

through inspections, educational programs on food handling and discussion. This

discourse has power to shape behaviour and guide conduct, both in the subjects of

governance and also in the inspectors who administer it and these effects can be clearly

seen in the phenomenon of "raising the bar" discussed by health inspectors.

4.3 Raising the Bar

In order to understand how the concept of "raising the bar" is constituted, we must remember firstly that regulations are based on minimum standards which may not conform to what inspectors see as best practices, and secondly that the fields of regulations associated with hygiene and sanitation are necessarily subjective. The two most important issues to address in this are what these practices look like and why they occur. This latter problematic is usefully summed up with the question "why do inspectors go beyond what is required of them by law?" the former by asking more empirical questions such as "what issues are associated with raising the bar?" and "what strategies do inspectors employ in order to achieve their goals?" As I have outlined above, the motivations for inspectors to raise the bar stem from the fact that regulations are drafted as minimum standards rather than best practices but what this does not address is what informs inspectors' ideas of what constitutes best practices themselves. Understanding these motivations returns our discussion to the four organizing discourses outlined in chapter 3, particularly the discourses concerning livability and the public good. It is these discourses which animate street level bureaucrats' sense of what is ultimately important about what they do and what they see the spirit of regulation to be. Regulations themselves, particularly those which govern subjective fields like hygiene are seen by inspectors as political instruments, which are merely a reflection of administrative consensus, not necessarily a best practice. One city inspector puts it this way:

> In different parts of the city, take the DES hotels; yes they're complying with the minimum standards. Are they then going beyond that? No. But then you have the Four Seasons, the Pan Pacific [high-end hotels]; same business license, but they're going beyond that. So, that's what we're

looking at, we enforce minimum standards. If people want everyone to be the Pan Pacific, then you have to raise the minimum standards (COV Inspector 1, July 7th, 2005).

Regulations are characterized in this quote as somewhat arbitrary and nominal; they constitute an agreed-upon minimum but not necessarily a desirable standard. The choice in this example as well of contrasting the hotels of the Downtown Eastside with elite establishments like the Pan Pacific and the Four Seasons serves to illustrate that economics is an important vector distinguishing minimum standards from best practices. When asked what the principal barriers were for business owners to raise the hygienic standards of their businesses, one health inspector stated clearly that "money and time" were at the heart of the issue; money to afford cleaning staff or time to be able to do so oneself, a difficulty the inspector recognized smaller businesses faced more acutely.

As street-level bureaucrats go through the process of inspecting different businesses and properties, they come across different standards of hygiene and sanitation and come to recognize that there is considerable variation in this field beyond what is required by law. The variance is prominent primarily because of the variety of businesses themselves that inspectors are called up on regulate; from large hotel chains to mom and pop grocery stores, and from Downtown Eastside SRO hotels to Yaletown boutique cafes. Both the economic standing of the business and its size make for substantial differences in the standards inspectors come to expect and what they see as acceptable. In some cases inspectors may recognize that a business may not be capable of moving significantly beyond minimum standards, perhaps because they are a very small operation with one or two owner-employees or because there are significant

financial constraints. In other cases, or often simply in very small ways, inspectors may see ways in which to increase standards of sanitation and hygiene.

One example of how raising the bar occurs is with respect to the sanitizing of surfaces with bleach. Health regulations stipulate that surfaces must be maintained in hygienic condition throughout the day and sanitized with bleach at least once. The health inspector I spoke with expressed the opinion that "we like to see this done throughout the day" giving voice to the idea that regulations as they stand are either not adequate or at least not ideal. In situations where the inspector feels that there is potential for improvement in the field of hygiene and where they see the proprietor as capable of doing so, inspectors may attempt to increase the frequency of their sanitizing schedule. How this is accomplished is difficult to understand if one pays attention only to how street-level bureaucrats' responsibilities are laid out in law and the regulations which govern their interaction with business owners. It is clearer however in light of the techniques of negotiation discussed earlier and more subjective qualities inspectors' relationships with governmental discourse and the spirit of regulation. Health inspectors emphasize the central role of negotiation in their interactions with business owners, both in general and when raising the bar in particular. When raising the bar, the concepts of negotiation/persuasion, rapport, and power dynamics can be identified as centrally important to understanding the process.

Negotiation/persuasion refers to techniques inspectors use in attempting to convince restaurateurs to adopt cleaning practices which are not explicitly required of them. One health inspector described this process as one where inspectors try to get business owners to "buy into your idea" (Health Inspector 1, July 26, 2005).

[You] explain to them why and usually, depending on what sort of rapport you have with them, you can convince them… but it's definitely working with them (ibid).

This process of convincing business owners includes both explaining "why" and also offering more direct explanation of how such goals can be accomplished:

I'll say, 'you know… think of it this way; rather than having to get bleach every time, get a bucket, a teaspoon of bleach and a little water and throw the rags in, then it's quick for you'. So, this is me trying to get them to buy in. 'You know, you just grab the rag, rinse it out, scrub it down and throw it back in the bucket. You're sanitizing, and you're cleaning at the same time.' So it's things like that where you just try and say 'hey, it's easier for you this way, it's less time consuming' (ibid).

The process, as described, depends on convincing people that such practices are both desirable and not prohibitively difficult, an approach which attempts to confront the concerns over "time and money" which most often hinder sanitary practices. It should also be seen as an example of a "soft" approach to regulation, related to attempts to educate rather than enforce and accomplish voluntary compliance rather than punitive sanctions, paralleling emergent technologies of governance described by theorists of governmentality. Such soft approaches appear to be becoming more common among inspectors as evidenced by these interviews and the lack of inspectors characterizing themselves as "hard-liners". As stated in previous chapters, such attitudes and approaches may be characterized as operating in concert with - and indicative of - new administrative technologies theorized by governmentality.

Attempts to negotiate and persuade business owners to adopt new sanitation practices do not happen immediately and depend largely on familiarity and rapport. All the inspectors I spoke with acknowledged that familiarity was an essential element in their dealings with business owners with respect to negotiations.

When you're recognized and in there all the time, it's easier to get into a more friendly relationship... I think it's huge 'cause I mean, they're more willing to listen to your ideas and maybe more willing to listen to you if you have concerns (ibid).

Such familiarity is what gives inspectors the necessary knowledge of their districts and individuals to know their capacities for going beyond minimum standards. Through the process of doing multiple inspections of a given establishment, inspectors gain a deeper understanding of each of them, their visible socio-economic standing, the number of employees and organizational structure and the systems they have in place. They also build relationships with the individuals who make up the businesses and establish a rapport as the above quote makes clear. This rapport, combined with the knowledge of circumstances affecting sanitation and hygiene such as presence of dedicated cleaning staff, age of buildings and scale are what allow inspectors to persuade and negotiate with business owners to improve practices.

However, attempts to raise the bar are not always characterized by soft approaches which rely on persuasion and encouragement. While there are no explicitly legal reasons for a business owner to go beyond minimum standards, inspectors also resort to coercive techniques that rely on their position of authority as agents of the state. Inspectors often describe this process ambiguously, making reference to the fact that they have backing and that owners will listen to them because they have the weight of the state behind them.

It's me walking in and going 'okay, you should look at doing this, I'd like to see this more". Most of them are pretty good, because we do have the authority behind us, that they will kind of raise [the bar]; and usually there's enough – not 'teeth' – but you have enough backing you that they realize [it] and you can usually convince them (Health Inspector 1, July 26, 2005).

The quote illustrates how reluctant inspectors are to characterize these interventions as coercive while still making it clear that they depend upon the power position occupied by street-level bureaucrats. Of course, inspectors cannot punish owners for not agreeing to improve standards beyond legal requirements but it very often does not need to be as explicit as this. Inspectors are listened to closely by owners and their concerns are given due consideration because of the power they wield in regulating businesses. Owners recognize quite clearly that a friendly relationship with their inspectors is a valuable commodity since it makes the whole process of doing business and dealing with the state less problematic.

> If you've got a rapport... and if I know the people and I know how they work then that makes it so much easier than if you're like pulling teeth all the time. Because then, to be honest, you don't want to go in there, you don't want to deal with them. And your "discretion" if they really annoy you, well, you're going to be a lot harder with them... you're going to be more black and white and that's not good for either party involved (ibid).

Nowhere is the value of a positive relationship more apparent than when it is absent. This health inspector goes on to describe a business where a serious infraction led to ongoing suspicion:

> I've had some places where I've walked in and they were doing construction in an open kitchen. I had a fit and I didn't trust them, you know? And to this day I don't trust them and they're like [using a wishy-washy voice] 'well, you know", and it's like "No. You had construction going on in an open kitchen. That's a no-brainer". You do not do [food] prep when you have dust and [laughs] you know? So when you walk in you're going to be a little more, like 'what's wrong now?' There's a trust issue and that's bad for them cause they don't need me coming in going 'okay, what am I going to find wrong today? What aren't they telling me? What aren't they doing right?" And it's hard not to – it's very easy to get yourself worked up and annoyed" (ibid).

While this example shows how a legitimate infraction causes friction between inspector and owner, it demonstrates more generally how the lack of a decent working relationship leads to more stringent enforcement and how inspectors are able to exercise authority and make regulation more problematic for owners simply by "being more black and white".

This ability of inspectors to exercise subtle coercion does not rest solely on owners who have violated obvious bylaws, however; it is an innate part of the necessarily discretionary character of all inspections and regulation. Owners are obliged to listen to inspectors' concerns and raise the bar on sanitary practices because within all inspections there is so much grey area that the degree to which each inspection is problematic is largely up to the inspector. This is the implicit allusion in the earlier quote about "being more black and white" and it is what is hinted at when the inspector placed the word "teeth" under erasure in describing what recourse they had to push for change. In any given inspection of hygiene and sanitation, so many details, from cooking practices and cleanliness of surfaces, to food-cooling procedures and frequency of sanitization, are subjective that inspectors have the power to profoundly change the nature of an inspection based on what rapport they have with owners and how co-operative they perceive them to be. In this situation then, it becomes clear why owners of businesses listen closely to the wishes of inspectors and often go beyond legal requirements to maintain a positive relationship.

4.4 Different Expectations, Differential Enforcement

In their inspections of businesses, street-level bureaucrats are called upon to regulate a dizzying variety of establishments and license types. Spread across the

different fronts of health, property use and liquor - to say nothing of fire and building codes - and an even longer list of license qualifications concerning occupant capacities, hours of service, liquor restrictions, and location in different activity zones, the scope of what inspectors contend with is diverse and multifaceted. In a single district, a health, property use or liquor inspector is often responsible for small owner-operated cafes, corporate hotels, municipal swimming pools, farmers' markets, and grocery stores. While different business licenses vary considerably from one another in their specifics, laws are drafted as uniform documents designed to ensure that all establishments conform to certain standards. In practice of course, the application of a uniform standard across a highly variegated terrain is unfeasible and often undesirable and the task of determining how to selectively and discretionarily apply the law is left up to street-level bureaucrats through enforcement. Applying the law uniformly in circumstances which are clearly not makes sense only in certain abstract legal imaginations and contrasts sharply with what street-level bureaucrats encounter in the lived spaces of the city. While the inspectors I spoke with were quick to point out that they seek to apply the law uniformly, they appealed to "common sense" in wanting to apply it equitably as they saw it. The appeal to common sense is an implicit invocation of the discourses of order, uniformity, livability, and the public good outlined in the previous chapter and again, these ways of seeing and interacting with the city are what animate street-level bureaucrats' regulatory decisions.

The areas in which street-level bureaucrats differentially apply regulations are clearly evidenced in how they deal with smaller "mom and pop" businesses versus larger corporations. Mom and pop businesses are characterized by being small-scale, with few

employees and often family-operated. They are commonly cafes, small restaurants, or grocery/convenience stores. Larger corporations include franchised restaurants and coffee bars, large hotels and grocery stores and generally have more employees and are better capitalized. Each is expected to conform to minimum standards as well as occasionally being held to higher standards depending on their circumstances and the individual inspector, but the administrative procedures used to accomplish this and indeed even what is expected of them differs in important ways.

Inspectors first and foremost expect different levels of compliance from mom and pop businesses as opposed to corporations. They note that neither one is necessarily better than the other, corporate operations can be dirty and below standard while small businesses can be pristine. Rather they recognize that while the law must be applied equally, there are structural differences between these types of businesses. Mom and pop businesses often have much more informal systems for hygiene and maintenance than their corporate counterparts which often substitute detailed procedures for intimate knowledge. Mom and pop businesses will likewise often not have the newest or most advanced equipment installed such as high-temperature dishwashers or industrial sinks. One health inspector used the example of a business (s)he inspected which had installed alarms on their coolers to warn of temperature variations:

> For example, I had a place that had the coolers on an alarm. If the coolers went up too high, an alarm went off. Obviously, you're not going to see that in a regular restaurant (Health Inspector 1, July 26th, 2005).

Infrastructure like this makes monitoring temperatures and ensuring they remain at health bylaw standards a much easier process but such advanced equipment is certainly out of reach for all but the largest operations. Because of structural differences like this

in the types of businesses inspectors deal with, their expectations must and do differ when they conduct inspections. So long as the relatively forgiving minimum standards are met, variations between radically different business types are expected.

The biggest issues which determine health inspectors changing their inspection procedures and expectations are the scale of the business and number of employees and whether the business has a chain of command and procedures for meeting health regulations. Inspectors agree that the single largest barrier to maintaining sanitary conditions is the "the money to afford extra staff whose sole purpose is to clean" (Health Inspector 1, July 26, 2005).

> Some of these places are just mom and pop. Well if they're working there from 7am to 7pm at night, it's harder. I mean, some manage to keep clean during the day, but I think that makes a big difference, [when] you get these big places where they have people hired just to clean, just to wash dishes. So it's much easier to keep it on a level (ibid).

Corporate businesses are seen as having an advantage over smaller businesses since they have dedicated staff to do what owner-operators often do themselves. Accordingly, inspectors recognize that smaller operations will not necessarily be able to maintain their facilities at the same level as larger establishments. However, this same health inspector noted that some mom and pop businesses make up for this lack by having a personal investment in their business and an intimate knowledge of it:

> I've had some mom and pop places that are pristine beyond belief because it's only two of them and they [act like] 'we eat the food here and we wouldn't eat the food if it wasn't [safe and clean]' (ibid).

Similarly, some corporate restaurants are far below code and inspectors react with greater alarm considering their advantages:

I walked into a place and was like 'this is unbelievable, this is so not acceptable. You're a whatever place [a high-end place with a chain of command and cleaning staff], it's unbelievable that you have it at this level"; because you know their infrastructure and you expect something (ibid).

Having dedicated cleaning personnel and up to date equipment are both an asset to restaurants and cafes as well as an issue against which inspectors make judgments and adjust expectations. Similarly, inspectors recognize that businesses that have a clear chain of command, and procedures designed to meet health regulations are clearly different than smaller operations where responsibilities are shared and sanitation is dealt with informally.

Health regulations regarding sanitation plans are an instructive example here. Since 2001, in concert with the Food Safe education program for food-servers, provincial health regulations have required operators of food-serving establishments to post and maintain a written sanitation plan which describes how and when specific areas are to be cleaned and sanitized as well providing detailed instructions on how prepared foods are maintained, cooled and stored. These plans provide another example of how the state attempts to see at a distance (Scott, 1998); to gain access to the actions of individuals and businesses and whether they are complying with directives when they are not actively under surveillance. They are also a new method of surveillance associated with governmentality and parallel Nikolas Rose's concept of "technologies of inscription" in that they abstract specific practices and knowledges into a form codified by and legible to the state (Rose, 1999). Such technologies of inscription make inspections easier for street-level bureaucrats:

In some ways the chains are easier inspections because they have the charts [saying] 'this is who cleaned at this time' you know? They have all this built in, so usually you go in expecting it to be an easier inspection because it's all in place (Health Inspector 1, July 26, 2005).

Inspectors can use sanitation plans as a familiar tool to get a sense of whether businesses are at least aware of what is required of them and whether the plan is being filled out properly. It is no substitute, they point out, for a thorough inspection but it provides a tangible link for inspectors between what is required of proprietors by the state and the more nebulous issue of how sanitation is being carried out in their absence. The sanitation plan, however, is not the act of cleaning itself as inspectors are well aware. Inspectors encounter sanitation plans in all corporate chains but are often unsure of their usefulness:

When food safety plans and sanitation plans came in and they had to be done, a lot of the chains just did it for the chain [made generic sanitations plans] and sent it out. I think the idea was that you wanted to see that the operator knew what was going on. Well, with a chain they just got handed it, and it's like 'great', how do we know that they're actually using it, that they understand it? (ibid).

Sanitation plans, a tool of the state to render legible the practices of cleaning and abiding by regulations, are here co-opted by similar institutions like corporations and some of their logic is lost; inspections are made easier in some respects and at the same time the familiar dilemma of inspectors seeking to see these practices in their absence remains.

While sanitation plans are required of all food-serving establishments by law, in practice they are selectively enforced. Corporate food-serving serving businesses with larger staffs are expected to maintain detailed plans while smaller mom and pop operations are often exempted or at least given more leeway:

By law they're required to have a sanitation plan which states 'these are our monthly duties, our daily duties, our weekly duties'. So let's say you went into a place - and I mean, this becomes an interpretation thing - a lot of mom and pop places, you usually don't make them have a huge plan because there's two people working, they know what they need to clean. Do they really need a sheet telling us mom does it one day, dad does it the other? (Health Inspector 1, July 26, 2005).

The logic behind this for street-level bureaucrats is that at a smaller scale of the owner-operated business, a detailed sanitation plan is often superfluous. The technology of the sanitation plan is a blunt instrument which applies well in certain circumstances, for example when there is a chain of command and a lack of first-hand knowledge, but which is redundant when the scale is reduced and the subjects of regulation are intimately connected with the procedures themselves.

CHAPTER 5:
URBAN DEVELOPMENT, NEIGHBOURHOOD CHANGE, AND GEOGRAPHIES OF ENFORCEMENT

5.1 The Geographical Imagination of the Inspector

While governmental discourses of order, uniformity, livability and public good

are important factors explaining street-level bureaucrats' enforcement decisions, the

geography of the city is also a key determinant. The differences between neighbourhoods

in the city, stemming from socio-economic strata, ethnic diversity as well as physical

geographic factors like housing density, commercial/residential ratios and green space, all

contribute to inspectors making discretionary enforcement decisions and producing

uneven regulatory geographies. Street-level bureaucrats carry with them geographical

imaginations which inform their understandings of the city and their relationship to it.

This geographic imagination is composed of opinions and assumptions made about areas

that affect the decisions inspectors make and what they see as appropriate in given areas.

At it's most basic level, this amounts to the broad assumptions that what is appropriate

for one area may be inappropriate for another, a fact which is both entirely valid and

supportable as it is problematic and occasionally unjust.

This axiom of uneven enforcement is also multi-faceted and does not simply exist

at the level of opinion amongst individual inspectors. The most formal and perhaps

material representations of the geographic imagination of the state at the local level are,

of course, zoning bylaws, which order practices and physical structures in the city.

Through the regulation of commerce, industry, and residence into discrete legally defined

areas, the space of the city is ordered according to social practice. The city spaces of contemporary Vancouver, with the heavy emphasis it has placed in post-industrial times on mixed-use zoning and housing densification, is further stratified with bylaws such as those designating "activity zones" which regulate noise levels. These bylaws allow different decibel levels of sounds to be produced by businesses within certain areas while prohibiting them in others. Such regulations demonstrate newer, more specific legal interventions and spatial orderings designed to address the concerns of city residents less frequently confronted with the sawmills and refineries of yesteryear than with by modern restaurants and health clubs.

Zoning and activity zone bylaws constitute the most formal embodiment of the geographical imagination of the state at the local level but they are far from the only formal manifestations. The Vancouver City Charter, which represents the legal foundation for city governance, is largely preoccupied with spatial interventions. Bylaws regulating parking, panhandling, alcohol sales, and de facto enforcement practices with respect to technically illegal activities like prostitution and solicitation are all profoundly spatial. These examples highlight how the regulation of various activities is almost always spatial; parking is permitted in particular places and at particular times and businesses selling alcohol are required to be located away from institutions like schools. The Vancouver Panhandling Bylaw demarcates specific areas where panhandling is prohibited, for example within 10 meters of an automated teller machine, bank, or liquor store and within 6 meters of a bus stop. Such laws, which aim to control social practices such as panhandling, consuming alcohol, and parking a car operate through their production of space; they regulate these practices by controlling where they can occur.

Indeed, as David Harvey (1982) has argued that capitalism operates through spatial fixes, the law at the local level operates through ordering space.

These spatial orderings I argue constitute a geographic imaginary which is a central to street-level bureaucrats' practice. Around these formal embodiments however is the less formal imagination of these bureaucrats; the abstract understandings of space and the city which street-level bureaucrats hold and which govern their actions at the level of discretion. This abstract geographic imaginary is certainly not distinct from its formal legal counterpart and can be said to be profoundly influenced by it, however it is not commensurate with it either. While the law represents a very clear series of spatial interventions designed to order space in particular ways, the informal geographic imagination of the inspector is a more vague and fluid set of interpretations of the city and its inhabitants. Such interpretations are apparent in the way inspectors talk about different neighbourhoods, municipalities, the downtown core, as well as more general statements about what it appropriate in the city.

These interpretations, while vague and fluid, are not entirely personal however. They are not simply the product of individual preference and prejudice, born out of the personal feelings of the inspector. Indeed, understanding such a thing as the geographic imagination of the street-level bureaucrat would be difficult to theorize were this so. Instead, I argue that the commonalities which have emerged in my interviews with inspectors point to a more generalizable set of beliefs which are held by bureaucrats because of their position in systems of governance and in the space of the city. Joan Copjec (1993) notes this distinction when she attempts a reading of Foucault discussing the figure of the "pleb" - the member of the working class who has privileged access to

truth. She notes that Foucault dismisses the possibility of the pleb being an individual, rather that something called plebness can be said to exist; plebness being a quality found in individuals who are themselves in particular positions in society. The point then becomes to not look towards individuals but at relations, social relations which constitute individuals in specific ways. It is in this spirit that I wish to examine the geographical imagination of the street-level bureaucrat; as a set of beliefs held not simply by individual inspectors but by individuals in a particular relation to governance and the city and as individuals who are constituted through this relation.

During my interviews with street-level bureaucrats in the municipal and provincial inspection teams certain key geographical demarcations and reference points appeared repeatedly. These demarcations parallel inspectors' districts as much as they are familiar to average citizens of Vancouver. That they are familiar to us should not obscure the fact that they are particular in some ways to the street-level bureaucrat; for while the terms are familiar, their understandings and the values accorded to them are unique. The principal division of city space that inspectors discussed was the East/West conception of Vancouver's metropolitan area. This is, of course, a binary familiar to Vancouverites and one which is oft-referred to in media and casual discussion. It is also a binary familiar to residents of many North American cities which have experienced similar patterns of development and social division. The West Side of Vancouver, encompassing such neighbourhoods as Kitsilano, Point Grey, Kerrisdale and Fairview Slopes, is thought of as the affluent side of town while the East, including Mt. Pleasant, Grandview-Woodlands, and Hastings-Sunrise has traditionally been more working class. For inspectors, as it would be for most Vancouverites, this discussion of affluence and

scarcity was left assumed and unspoken in my interviews; the themes which emerged

instead in discussing this binary were differences centred on tolerance, modes of

interaction, and finally, neighbourhood standards.

Tolerance and modes of interaction both express qualities conferred upon

residents of each of these areas while neighbourhood standards are a legal expression of

assumptions about particular areas which bridge a gap between a formalized geographical

imagination of the state and a more nebulous and grounded view of the city. To

understand why inspectors discuss tolerance as a quality of people they interact with, we

look first at how problems are identified and dealt with by inspectors. Let us take for

example the situation of the municipal Property Use inspector: these officials are charged

with the enforcement of a variety of city bylaws, most commonly the Standards of

Maintenance bylaw, Zoning bylaws, Development bylaws and Licensing bylaws.

Depending on which district the inspector is responsible for, different bylaws will be

more commonly dealt with than others and certain specific issues will be more common

in one than in others. For example, an inspector working in the downtown core (the

district where city inspectors always begin their careers) will deal in large part with

licensing issues because of the abundance of commercial spaces whereas an inspector in

Southlands will spend comparatively little time on such matters focusing instead on

bylaws and issues relating to residential areas. In each of these areas however a familiar

theme is present; the impossibility of enforcing all bylaws all the time. For every

infraction that inspectors are called upon to address, there are still more which, for

various reasons, are not dealt with. Most of these infractions are of only minor

importance at the time, there would of course be considerable outcry if serious infractions

went unpunished and this is why inspectors turn a blind eye to them in favour of more weighty concerns. What this means for city officials then, especially in residential areas, is that issues are addressed on a complaint-driven basis rather than through routine inspections.

This maxim applies particularly to issues that inspectors in residential areas contend with such as untidy premises, illegal suites, and work-without-permit concerns. Unless a site is very obviously and clearly unacceptable – with appliances or cars rusting on the lawn – inspectors will generally not have the inclination to deal with them. These issues are instead brought to their attention by neighbours who are upset and make complaints to the city. A manager for the property-use department confirms this: "most things the city does and responds to in the property use division is [sic] complaint-driven" (City Manager 1, July 7th, 2005). A manager in the provincial Environmental Health department concurs and adds that residential neighbourhoods are often characterized by more complaint-driven processes: "it depends on the district. Some districts are big in complaints, some are more routine. There's a lot of complaints about housing from this area [Mount Pleasant]. If you go to the West End, you may get a few more" (Health Manager 1, July 19th, 2005). The city manager continues by saying that complaints often depend on the issue,

> some things, like graffiti, you may be driving down the street going to some other call and you may notice two or three other things. So you may make a little note to yourself, sometimes you may come back to it, sometimes you forget about it and it gets sort of lost and a week or so later someone might come along and do something about it. It depends on the nature of the issue (City Manager 1, July 7th, 2005).

The example of graffiti proves the rule; in residential areas at least, routine inspections take a back seat and complaint-based issues are given priority, a fact that was confirmed by other inspectors.

The fact then that complaints are the principal source of issues inspectors in residential areas must respond to means that neighbourhoods which generate more complaints are recognized as such by inspectors and contribute to the imaginative geography they have of the city. It is for this reason – the principle of complaint prioritizing – that the idea of tolerance is important to inspectors. Inspectors become very aware of who complains, what they complain about and where the majority of complaints come from. They also come to form opinions about which parts of the city are more tolerant and which neighbourhoods tend to make frequent complaints. It is through this theme of tolerance that the east/west imagination emerges in part for street-level bureaucrats. When asked about differences they saw between different areas in the city, many inspectors I spoke with made reference to the differences in tolerance that they perceived between residents of East Vancouver and the West Side. Eastsiders were repeatedly seen as more tolerant, less likely to complain and less concerned with the neighbours' business while West Side residents were seen as more frequent complainers who contacted the city far more often. Of course, this is a crude binary and inspectors also made other statements which demonstrated that their knowledge and assumptions about the city and its residents are more nuanced than this; nevertheless, the east/west divide appeared numerous times in interviews. I should also state clearly what I feel is implicit in my analysis of this east/west imaginary, that there is nothing ontologically "real" about this binary. Indeed, street-level bureaucrats' accounts of the West Side and

the East Side contain a great deal of complexities and contradictions which make it a much more fluid geography than the rigid binary presented above. Nevertheless, it is important to pay attention to such a powerful discursive binary because of the frequency with which it is mobilized in order to explain uneven regulation.

Another city inspector continued this characterization and summed up the attitude succinctly:

> In this part of town - actually the whole East Side - you don't get anywhere near the amount [sic] of complaints you get on the West Side. People are just much more tolerant on the East Side versus the west. You don't get a lot [of complaints]; there's a lot of tolerance. People mind their own business more. They're not so worried about what other people are doing.
>
> It's like, you know what, we're all just regular Joes here; everyone's just trying to get along and I think they feel more of a sense of neighbourhood than people on the West Side, I really do. That's been my experience (Property Use Inspector 2, October 12th, 2005).

For street-level bureaucrats, this quality of tolerance becomes spatial and different attitudes come to be associated with different parts of the city. As a consequence of these difference in attitudes towards one's neighbours, inspectors find their jobs changing. Inspectors working in certain West Side districts report dealing with complaints more than those stationed in the east. Inspectors did not lament this situation since it did not seem to affect their work patterns negatively although there were some offhand remarks which indicated their incredulity at some complaints they received. A number of city inspectors expressed the view that a large percentage of complaints were, in their view, not related to the issue being reported but rather disguised an ulterior motive.

> It's almost guaranteed it's going to be either because of a parking issue, a garbage issue or a noise issue. Between those three I've pretty much covered 99% of reasons why neighbours complain. It's usually has

nothing to do with the actual [illegal] suite... the suite becomes kind of a revenge thing" (City Inspector 4, October 18th, 2005).

Complaints then become a venue where intolerant neighbours express their anger over different issues by making appeals to the city for unrelated matters. The inspector voiced considerable irritation at being used by residents to these ends but other inspectors were quick to point out that complaints were still dealt with as they appeared and treated with due diligence.

In addition to the concept of tolerance as a characteristic defining their relationship to different areas of the city, inspectors also discussed how they are treated differently between districts and how their mode of interaction changes. As the quotes above indicate, inspectors often saw east siders as more lenient than those on the West Side. They also made reference to how people in East Vancouver were often easier to deal with. A city inspector currently working in residential East Vancouver who had also spent time working in districts in the west described how it was often more difficult to accomplish things on the West Side:

> people on the West Side often do talk down to civil servants. They also tend to - what's the word – snub problems or dealings with inspectors. They are much quicker to have more attitude and not comply with things that we are dealing with. People on the East Side, generally speaking, I find them much easier to deal with. They don't give you as much grief and once you sort of explain things to them they're just easier to deal with.

> On the west side as well you have a more educated population so they tend to question authority a lot more and that makes it difficult to deal with problems. Things can still get done but they take a lot longer (City Inspector 4, October 18, 2005).

Residents of Vancouver's West Side are characterized here as less willing to engage with government officials, questioning their reasons, and creating more difficult

enforcement circumstances for inspectors. This characterization may be negative but it is hardly insulting, relying as it does on an assumption that the reasons for protracted regulatory situations are the higher education and critical faculties of the residents. These qualities conferred up on West Siders by street-level bureaucrats are also given material form when the mode of interaction changes from one of inspector/resident to inspector/legal council. Indeed, inspectors I spoke with made reference to dealings they had on the West Side where residents used lawyers in their interactions with the city.

> It's not uncommon to deal with lawyers, or the sons and daughters are lawyers, or the friends who are lawyers, so it's definitely more difficult. Even just the way you approach problems; you have to be so much more diplomatic and so much more careful about what you're saying (City Inspector 4, October 18, 2005).

This image is a powerful contrast to the earlier quote describing the "regular Joes" of the East Side and serves to illustrate how inspectors interact with and see the space of the city. The geographical imagination of the inspector is replete with these images then of neighbourhoods where extra care must be exercised, where lawyers scrutinize their actions and where residents vent their frustrations with neighbours by pulling bureaucrats into the fray.

Issues like tolerance and differences in how inspectors interact with residents in different parts of the city produce a unique image of the city and view of regulation at the level of the street-level bureaucrat. This image exists at the level of the individual inspector but it is also constructed relationally; that is to say not personally but as a result of the position inspectors hold in systems of local governance. Tolerance and modes of interaction constitute the more informal pole of this geographic imagination since they are not as formally coded as zoning and development bylaws, nevertheless they should be

seen as powerful forces shaping bureaucratic practice considering the frequency with which they are invoked by inspectors.

Between the formal imagination of the state at the level of bylaws and the informal imagination of inspectors working with residents are another set of spatial interventions which produce space in the city, commonly termed neighbourhood standards. The phrase "neighbourhood standards" is not an actual legal term appearing in the Vancouver Charter, rather it is a customary expression used by inspectors and managers to describe a regulatory philosophy which engenders a certain type of enforcement practice. The clearest legal expression of what neighbourhood standards means is found in the City of Vancouver Charter Bylaw No. 4548; the Untidy Premises Bylaw. In this bylaw, section 2, the definition is given as such:

> Every owner or occupier of real property shall maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood (City of Vancouver, passed April 6, 1971)

What is essential to note here is the geographical definition that is given to "reasonable standards". Instead of an aesthetic definition (e.g., grass must be kept n longer than 6") or a functional definition (e.g., Objects on lawn must not obstruct passage to the dwelling), this definition is founded on conformity to the surrounding properties. One could thus imagine a neighbourhood in which grass was untended and weeds left to take over and where this was permitted providing that this was the prevailing standard of the neighbourhood. Bylaw 4548 goes on to stipulate specific offences such as "the accumulation of rubbish and discarded materials" and the requirement to keep areas "cleared of weeds, brush, trees and other growth" but it should be noted that first and

primary definition of appropriate standards is the above-quoted geographical definition.

Indeed, this point is reinscribed in section 4 of the bylaw describing the maintenance of

flora when it says:

> Every owner or occupier of a parcel of real property shall keep the same cleared of weeds, brush trees, or other growths, within a reasonable standard of that prevailing in the neighbourhood (City of Vancouver, passed April 6, 1971).

Again, the definition rests on geography with the prevailing standards of the area

dictating what is taken as acceptable. An inspector with the city Property Use department

provides a further description of how of this regulatory philosophy operates:

> Essentially what [neighbourhood standards] says is that you have to keep your property to the standards that the rest of your neighbours do... it doesn't deal with the site-specific problem; it's very grey. If you had a neighbourhood where everybody collected junk, then that's the neighbourhood standard; we couldn't really take that to court (City Inspector 4, October 18, 2005).

This definition then contributes to an uneven application of the untidy premises

bylaw across the city where certain neighbourhoods uphold one standard while others

uphold another. Inspectors were generally supportive of such regulatory philosophies

which afforded them some latitude and was seen as responding to neighbourhoods'

particular character. The lack of fixed aesthetic or functional definitions and reliance on

a relational bylaw does occasionally cause inspectors difficulties when it comes to

prosecuting untidy premises charges in court or before council. Inspectors, acting either

on a routine inspection or responding to a complaint, issue notices for untidy premises

requiring the owner to remedy the situation within 10 days. If the owner does not comply

within that time, the city is legally permitted to enter the property and remedy the

problem itself, charging the owner with the cost of the clean-up. If, however, the owner

contends that his/her property is acceptable within the context and standards of the neighbourhood, then the city inspector must be prepared to make the case before council or the courts. In order to do this, inspectors assemble photographic evidence of the offending site and also the surrounding properties to establish the surrounding neighbourhood standards. A city inspector explains:

> when we do take untidy premises to court we've always been told to take photos of the site and at least 2 other properties on either side and to the back. That way the judge has an idea of what the neighbourhood is like. And if you have someone with a golf green and someone with a pile of junk then it's easy (City Inspector 4, October 18, 2005).

This process does not always work smoothly however, and owners charged under the untidy premises bylaw often present their own evidence to counter the case made by inspectors. These objections take place at the level of representation with owners offering a competing portrayal of the context in which their property is being judged:

> you know, over the years we've had people come in with their own photos; you know, taken a block away - not that far away but far enough - and say "well, this is like mine" and they have an argument because it's unclear (ibid).

The owner is thus able to use the relational definition of neighbourhood standards to offer a counter-representation of the neighbourhood; pointing out properties which resemble their own to contradict the case made by the city that the property does not fall within the standards set by the surrounding area.

One situation faced by city inspectors in the regulation of untidy premises which raises these issues is that of the collector. 'Collector' is a term used by city inspectors to describe owners or residents who amass things like lumber, metal, vehicles or other salvageables on their property. Their front or back yards are often filled with these

materials, exposed to the elements and frequently in states of disrepair, and they present a difficult situation for inspectors as well as neighbours who face lowered property values on their own homes. What is at issue here, explains one inspector, are different conceptions of value. To the collector, the materials in question have value in and of themselves, either as salvageable objects or personal possessions; to neighbours – and by proxy, the city – the object's visual presence constitutes a threat to the value of the adjoining properties.

> These people who are chronic collectors, they think their garbage is gold. This isn't stuff you throw away, this is stuff they see value in. Vicino is probably a good example of this; he collected old cars and had piles of old steel and lawn chairs which he probably saw as beautiful things and we saw them as broken old pieces of junk! (City Inspector 4, October 18, 2005).

Here is a case of an owner using his property to store salvageable goods in such a manner that city officials are obliged to intervene so that the surrounding residents are not adversely affected. The fact that this example comes from East Vancouver would surprise no one familiar with the city; the idea, in fact, of a front yard filled with "old cars and piles of steel" in Kitsilano or Point Grey would seem unlikely. The inspector quoted above confirms this prejudice although he is quick to point out that the geography is more nuanced than this.

> It is [geographical]; it's not black and white. Definitely, there is a different standard – really generally speaking – on the West Side than there is on the east; especially in specific areas. But when I was in Kits... there's always one or two or a few people who are those collectors (City Inspector 4, October 18, 2005).

East Vancouver is seen as generally more tolerant of collectors than the West Side but within each area there are neighbourhoods where the story becomes more complex.

Just as we have sketched out a geographical imagination of street-level bureaucrats here along the themes of tolerance, modes of interaction and now through the meso-level imaginary of neighbourhood standards, this imagination is challenged by complexities within districts and most of all by the fluidity which characterizes the contemporary city. The same city inspector continues with a description of how collectors are often dealt with:

> Usually, if they're a long-term person and the neighbours have been there forever and they know him and they feel sorry for him then they sort of back off. And then what happens is eventually neighbourhoods change and people move and die off and new people come in and then they won't put up with what the neighbourhood put up with before (City Inspector 4, October 18, 2005).

This final quote invokes a powerful theme which will affect the geographical imagination of the inspector: that of neighbourhood change. As neighbourhoods change and as inspectors change districts, their working knowledge of the city changes with it both in practical terms and also in more abstract ways. Neighbourhood change proves to be a key process in understanding the geography of enforcement and it is to this that our discussion now turns.

5.2 Neighbourhood Change

A key question which I asked in each interview concerned the ways in which enforcement and regulation was affected by changes in the socio-economic character of the city. While regulation itself – that is to say, laws and bylaws – does not often change as neighbourhoods do, enforcement practices do and it is at this level, the level of discretion, that bureaucratic practice adapts to new city spaces. As was discussed in chapter 3, Vancouver is a city which has and is undergoing rapid changes characterized

by increased urban housing density and gentrification. As such changes occur, residential, commercial and industrial practices find themselves in closer proximity and in new configurations which gives rise to conflicts over use. The downtown core has been an especially concentrated site for these changes with a rapid increase in residential development since the 1980s. As people have moved downtown to live in high-rise condominiums, located close to – and frequently on top of – restaurants, bars, night clubs, theatres, and shopping centres, issues of noise pollution, odours, and parking have become ever more pressing. In older suburban neighbourhoods like Grandview-Woodlands and Mt. Pleasant as well, changes have occurred with young professional moving into traditionally working-class areas and shifting the socio-economic character of the neighbourhood.

These processes of urban change have effects not only for zoning but also for street-level bureaucrats involved in inspections and enforcement. Each inspector I spoke with made reference to the difficulties they faced as neighbourhoods changed and existing uses conflicted with new practices. The most common change faced by inspectors downtown was increased complaints. These complaints came from new residents to the area and they focused primarily on noise and odour issues from existing commercial establishments. Such complaints could be directed at a restaurant with a noisy exhaust fan and would normally come for a condo-owner who lived nearby. Complaints could also come from a resident of a high-rise which housed a nightclub on the main floor as is the case in a number of developments on Richards street. That complaints frequently come from new residents and are focused on long-standing businesses has made this an oft-mentioned humorous anecdote amongst downtown

residents. Inspectors I spoke with also expressed some irritation at the complaints they

received when they seemed trivial or something which the new residents ought to have

investigated before purchasing their new homes. Nevertheless, inspectors were

unanimous in their belief that bylaws still needed to be enforced regardless of the

longevity of the business in question or the complainant. A manager in the

Environmental Health Office offered an example of these sorts of complaints and also

voiced the opinion that they might be avoided if inspectors were consulted during the

initial stages of development as well as afterwards.

> I think one of the biggest problems when I was in the district was the laundry place… off of Davie, all the condos went up around it. And the first thing when the condos went up was they complained about the sound of the laundry. They said we paid a lot of money for these condos, we don't expect to hear the fans going off in the morning, yet the condos came well after. Or they build a condo right next to a nightclub and complain about the nightclub.

> We should be looking at it from the development point and we have our input at that point… you can't stand in the way of progress, you know? We can say this exhaust vent is ducting out the wrong place, or we need this type of sound proofing because it's gonna affect the people upstairs or we can make recommendations as to what sorts of establishments could go in there. We have our own requirements too, but we try to work with the city. As the city grows, obviously we would like to make sure that it's easy to enforce regulations so we work together (Health Manager, July 19, 2005).

Other inspectors were somewhat less generous in their assessment of complaints

about noise downtown. While off-hand, these remarks illustrate some of the frustration

inspectors feel about chronic noise complainers:

> A lot of them [complainers], unfortunately, have the attitude that where they live should be pristinely quiet. Well, if you're living in the West End, you can't have the expectation of it being as quiet as the suburbs. We've got a couple where it's just hilarious, you know? They'll call and complain about a fan from the walk-in cooler of a restaurant that's really

loud. Or the back door's open and they can hear people clanging dishes. I mean, there're certain things [where] you do feel for them but there's certain things where it's like 'you chose to live here' (Health Inspector 1, July 26, 2005).

A city inspector who had worked in the downtown core at the beginning of her career and then again four years ago commented on the changes in Yaletown over that period in similar language, expressing some reluctance to take the new complainants entirely seriously:

> It's newly occupied and changed over so you now have, I found, a clash between the residential and the commercial development down there. You know, the residents... they've moved from some sort of street somewhere where they were surrounded by houses, now there's a restaurant downstairs and they didn't like the noise, they didn't like the smell. They may have come from somewhere like 29th and Renfrew and moved downtown or they could have lived in Shaughnessy and they're not used to the hum that you get; the noises, and just, all the people around. Another big shock was everyone brought their dogs and there was dog shit everywhere. It's like, they're all in this expensive Yaletown, all these yuppies, and you could have sworn you were in Europe. So they didn't like the smell from the restaurant downstairs but they wouldn't pick up after their dog (City Inspector 3, October 12, 2005).

Despite this frustration, inspectors repeatedly stated that at the end of the day, bylaws needed to be enforced:

> we've had a couple times, like in Gastown, where a nightclub has been there for 20 years and operating. All of a sudden an apartment building goes in on the alley behind and now the club had to put in all these measures to control the noise because they were next to a residential... It's hard not to feel bad for the club because I don't think it's really fair but that's what the bylaw is, that's what we do, you know? I kind of don't have as much sympathy [but that] doesn't mean I don't do my job (ibid).

Regardless of whether inspectors felt less than sympathetic towards some of the complainants, a strong sense of public service, as well as bureaucratic pressure, was evident in their final decisions. The Environmental Health manager quoted above

perhaps strikes the representative tone when he discusses the importance of inspector's input in the development stages; cities and neighbourhoods do change and while existing businesses may be inconvenienced by changes in the regulatory environment, inspectors by and large feel that enforcement must change with the city itself.

Outside of the downtown core, in neighbourhoods like Grandview-Woodlands, Mt. Pleasant, and popular shopping districts like Commercial Drive, neighbourhood change is also occurring and is noted by inspectors. The difference between this area and the downtown core is that there have not been significant changes in zoning and property use that have characterized downtown redevelopment. Commercial Drive has experienced some new condominium developments but overall, the neighbourhood has retained a similar zoning profile centred on single-family detached homes and small businesses on the Drive itself. The changes that have occurred have been upgrading of the housing stock in terms of heritage renovations by new residents and some change over in specific businesses from the lower-rent restaurants to more contemporary and expensive establishments. The overall change on Commercial Drive therefore has not been structural as it has downtown but has been qualitative with respect to the socio-economic status of the population; the shift has been one of content as opposed to form.

Consequently, changes in enforcement practice have not been as pronounced as they have downtown. Nevertheless, as these more residential neighbourhoods change, inspectors noted changes in their enforcement practice which followed the theme of tolerance which was discussed earlier in the chapter. Inspectors expressed the belief in a number of instances that residents of East Vancouver were generally seen as more tolerant of their neighbours than Westsiders. As East Side neighbourhoods undergo

gentrification and absorb new residents from other parts of the city, inspectors noted that

this quality of tolerance also changed. A city inspector working in East Vancouver made

explicit reference to this change in the following interview remark:

> We have people moving in from the West Side who will be quick to point
> out something about their neighbours. Do some of them mellow out? I
> think they do but it takes them a little longer in order to shed all that (City
> Inspector 3, October 12, 2005).

Residents of the West Side are here again characterized as less tolerant of their

neighbours and faster to complain to the city about problems. What is interesting in this

quote is the idea that new residents will eventually "mellow out", for it assumes that the

quality of tolerance is bound up with the space of the neighbourhood more so than with

the people who constitute it. If tolerance as a quality rested with the people themselves

then there would be no question of a new resident picking it up, it would simply be a

quality they did not possess. Instead, the neighbourhood is seen as a space of tolerance

that could potentially "rub off" on new arrivals. The same inspector mentioned

immediately before this quote that "people here have a very strong sense of community",

invoking the idea of community as tied to tolerance of one's neighbours. If it is true for

street-level bureaucrats that tolerance and community are bound up in the space of the

neighbourhood itself, then it will be interesting to note how the geographical imagination

of such themes evolves over the years as East Side neighbourhoods continue to undergo

gentrification.

Tolerance however for street-level bureaucrats is not the sole preserve of East

Vancouverites, happy to deal with their neighbours and avoid conflict. A city inspector

working in the Mt. Pleasant and South-East Vancouver districts recounted an emotional

story dealing with a particularly egregious case of intolerance which placed her in a difficult ethical and bureaucratic position:

> I got a complaint [for work without permit] on a house where the owners had just moved into it and the work was so old. So how is that fair? The neighbour didn't care when it was the previous owner? And they were wonderful people, wonderful people; I don't know how long they had been in the country, they were from the Philippines I think. And I had to try to work through that and it was really difficult. You know, I don't know why the complaint came in, all I can think is that they didn't like that a Filipino family had moved in. I don't know. I don't know the cause but it was old work. So why would they care? I'd say it was at least 5 to 10 years old and this family had just moved in! They still had boxes in the front room!

> With this one, we had already started the process of enforcement and I was just sick with it. I had spoken to a number of different people saying this isn't fair and this is wrong; it's morally so wrong to do this to these people. I even cried with them in their kitchen about it. It wasn't going my way, we had started enforcement and we needed to follow through. Finally I went to another manager and said 'this is so wrong' and thank God this person agreed (City Inspector 6, October 26, 2005).

So here is a case where the existing residents of the East Vancouver neighbourhood are characterized as borderline racists intent on persecuting a newly arrived immigrant family through legal channels. Whether or not the issue indeed concerned racism is unclear but the incident was clearly a very difficult issue for the inspector in question and serves to complicate the easy binary of tolerant east to whining west. The geographical imagination of street-level bureaucrats thus appears again as more attuned to particular cases. While concepts like tolerance, modes of interaction and legally inscribed neighbourhood standards are frequently coded through an east/west imaginary, discussions with inspectors reveal a complex and nuanced vision of city space and practice.

CHAPTER 6: CONCLUSION

This project began as an attempt at understanding the ways in which the actions of street-level bureaucrats produce uneven regulatory geographies through discretionary enforcement. Rather than focusing on 'spectacular' or commonly studied examples of regulation, such as police behaviour, I chose to pursue an analysis of regulations such as health, property use, licensing and liquor control with the hope that in the minute, quotidian, and what Wendy Larner (2003) calls "apparently mundane," there would be useful and perhaps surprising insights into contemporary processes of urban governance and development. Researching how street-level bureaucrats' practices produce space in the city involved asking how these bureaucrats understand space, with the corollary assumption that their understandings of space affected their actions within it and that the variegated geographic imagination of bureaucrats would explain uneven regulatory geographies. I began the project then with this question:

- How do street-level bureaucrats understand space and how do their actions produce space?

Drawing on this concept of a geographical imagination, I approached the idea of "understandings of space" arguing that bureaucrats' geographical imaginations could be understood as a particular way of thinking, speaking and acting towards city space (Valentine, 2001). Following from this, and echoing the ideas advanced by theorists of governmentality, I argued that these ways of understanding space were – in part at least –

unique to street-level bureaucrats, that they were the product of their position in specific constellations of power and should therefore be understood relationally.

A parallel goal of this approach was to demonstrate how regulations at the local level, while appearing rational, uniform and objective, are best conceived as political instruments with powerful and far-reaching effects. This is demonstrated in part through the geographical focus on regulation and enforcement which shows how enforcement is unevenly practiced across the city. As I have shown through the empirical information in the proceeding chapters, this unevenness occurs for a variety of complex social and political reasons, even as it is imbued with the appearance of common-sense and simple practicality.

That such unevenness occurs should be no surprise when we take seriously the role of discretion in street-level bureaucracies. My second research question expanded the discussion of bureaucratic understandings of space and their relationship to the production of space by asking concretely what sort of production was at issue:

- How do these understandings of space inform street-level bureaucrats' exercise of discretion?

Discretion becomes the mode through which particular understandings of space and bureaucratic discourse will be examined, again employing a governmentality approach which focuses on the practices of minor political actors, as opposed to the regulations themselves. I argued that discretion is a necessary feature of regulatory enforcement because of the impossibility of drafting regulations to account for the complex phenomena encountered by street-level bureaucrats and also because of the neoliberal themes of professionalism and entrepreneurship that animate contemporary

bureaucratic discourse (Lipsky, 1980; Hawkins, 1992; Weber, 2002). I have argued that what informs discretionary decision-making can be accounted for through an examination of the discourses particular to street-level bureaucrats and that common-sense, when it is invoked, should be seen not as natural but as a product of these discourses and as an example of ideologies of order, livability, and the necessity of state regulation.

This process of discretionary decision-making based on specific governmental understandings of space then leads to a final question:

- How do discretionary enforcement practices create an uneven regulatory geography in cities?

Thus the questions return us to a geographical analysis which seeks to understand how the space of the city is implicated in bureaucrats' understandings of space and how the spatialized social practices of the city may be read as an expression, in part, of these discourses.

Over the course of my interviews I encountered a great many examples of bureaucratic understandings of space, uneven regulation and discretionary enforcement as examples in the proceedings chapters have shown. Positioned as they are at the intersection of government and the public, street-level bureaucrats occupy a fascinating position imbued with discourses from a variety of scales and spheres. In interviews they appear both professional and knowledgeable as well as "down to earth" and plain-spoken. On the subject of complaints about illegal suites from neighbours for example, they spoke frankly and honestly about the reluctance they felt in enforcing against violators when they were convinced that ulterior motives such as parking or noise issues were the root cause of the complaint. At the same time, they made it clear that such complaints were

dealt with promptly and professionally in spite of their misgivings, illustrating the complex position they find themselves in and the ideals of equity and professionalism they hold themselves to.

Similarly, inspectors were well aware of the complexities of enforcing regulations across the space of the city, where uniformly drafted regulations had different effects from one neighbourhood to the next. They were also well aware of how regulations are applied unevenly in these disparate areas and were attentive to difference while they struggled to find appropriate regulatory responses within their legal frameworks.

I was satisfied in general with the quality of the interviews although they very rarely seemed to deviate from what might be called a "standard line" in the responses. That is to say, there were few shocking revelations or admissions of nefarious conduct, something which should surprise us little. The upshot of this was that a great deal of the work in this project has been making the empirical data speak, since "common sense" rarely speaks for itself, being transparent and unremarkable by its very nature. The analysis of my data then has been primarily concerned with coming to understand the value of the standard line, the common-sensical and the unremarkable as significant findings in and of themselves; as expressions of ideology and governmental discourse.

6.1 Implications

I see three inter-related sets of implications: one which is conceptual or theoretical, some methodological, and finally some practical and policy-based implications.

6.1.1 Conceptual Implications

Looking at the value of this project theoretically, I see it as having made contributions to theories of governmentality by grounding it in specific contexts and providing solid empirical examples of the importance of studying minor figures, mundane practices and the actual implementation of regulations. It has also provided an account of how forms of governmental knowledge particular to the contemporary neoliberal city – such as livability – are manifested in Vancouver's street-level bureaucrats. This grounding is often seen as a particular strength of human geography, that is to say, providing an empirical account of contemporary critical theory. I feel a great deal of kinship to this tradition of scholarship and see this project as firmly enmeshed within this literature.

I see this project as also having raised some important questions about the relational construction of subjectivities in governmental subjects. If, as Foucault and Nikolas Rose have argued, the subject in governance should not be viewed as an individual as much as a subject in a particular relation of power, a question emerges as to the uniqueness of street-level bureaucrats as subjects. Can we honestly say that the four organizing discourses of order, uniformity, livability and the public good as I have defined them are unique and specific to these relational positions alone? If not, how far do they extend? Can we say in fact that they are useful categories analyzing street-level bureaucrats, specifically, if we find these discourses operating in other subjects in different relations of power? My research demonstrated at the very least that such discourses are prevalent amongst the managers of street-level bureaucrats and while this is unsurprising, it does beg the question of how far these discourses extend. Do city

councillors share this framework? Do mayors? What about so-called ordinary citizens? I would argue that it is fair to say that the police (as another example of street-level bureaucrats) operate under a different set of organizing discourses as Steve Herbert's analysis is significantly different from mine. Machismo and bravery for example do not appear to be important themes for municipal inspectors.

It is quite likely however that many residents of Vancouver would share many of the discourses that I have laid out for inspectors. They would, I think it is safe to say, believe it is common-sense and good for the state to regulate things like liquor and health laws, even while they may complain about specific instances of regulation. This seems a fitting example of a general production of governmental subject that Rose, Dean and Foucault have all discussed, where citizens are inculcated in the forms of knowledge of government and become self-regulating subjects. This, however, complicates the claim that subjects are produced relationally in structures of governance if such discourses become generalized and common. I would argue at this point that it is important to recognize that street-level bureaucrats, like everyone, inhabit multiple subjectivities: from their work-life to family relationships to public personae and that each of these selves informs the others. Simultaneously, discourses of governance flow through bureaucrats both from their superiors and the people they interact with during inspections; as such, it is accurate to think of street-level bureaucrats not as embodying a completely unique set of discourses, rather that particular intensities of these discourses can be seen in specific relational subjects like the street-level bureaucrat.

6.1.2 Methodological Implications

While I initially conceived of this project in part as one which would uncover startling facts about uneven and unequal geographies of enforcement it soon became apparent that a more theoretically valuable avenue existed in the less spectacular elements of regulation. There are in fact spectacular examples of uneven discretionary enforcement in Vancouver which seem all the more egregious because of the ways in which they affect different socio-economic groups in radically different ways. In March of this year, the Burns Block Hotel at 18 W. Hastings Street was inspected by a NIST team and subsequently closed. Fire and Property Use inspectors found safety hazards such as improper fire doors and informed the owner that repairs were required. According to reports from Pivot Legal Society, the building's owner informed them that he had no intention of investing any more money into the hotel. The 18 tenants of the hotel were evicted that day, some given just a few hours to gather what they could carry and vacate the building. City officials then arranged for housing for those evicted and the solution decided upon was to direct tenants to the nearby emergency shelter (Eby, 2006). It should be noted that the City of Vancouver's Property Use department is empowered to demand that repairs be made and charge landlords for work done. In addition, Mr. Eby notes that the repairs required were minor in nature and had been present for a long time (ibid).

In contrast, when mudslides threatened middle class homes in the municipality of North Vancouver in January of 2005, the city again required residents to vacate their homes on short notice because of safety concerns. In this instance, the city also arranged for accommodations however in this case the municipality paid for months of hotel

accommodation for those displaced. While this example concerns two different municipalities and different city governments and cannot therefore be said to be a case of discretionary inequalities strictly speaking, it does serve to highlight a particularly egregious case of uneven regulatory enforcement within the Greater Vancouver Regional District which is worthy of note.

This study clearly has not dealt with issues like the one presented above and at points during my research, this has caused me some distress. I can say now that there are two very good reasons why such issues are not the focus of my study. Firstly, there are many important groups in the city of Vancouver who are already addressing obvious issues of uneven regulation such as Pivot Legal Society and the Downtown Eastside Residents Association. These groups are doing excellent activist work in calling attention to such examples of how socio-economic status is implicated in discretionary enforcement. Within this context, my research would not be a significant contribution if it were to concern itself with replicating this activism or taking up a journalistic approach to reporting uneven regulation.

Secondly, I encountered serious methodological hurdles during this research which would have made an approach which dealt with issues like this nigh impossible. As a researcher requesting interviews with bureaucrats, I encountered many willing participants but also a great deal of apprehension that my project was going to be critical of them. This became apparent early on in my interviews with managers where any questions regarding discretion and discretionary enforcement were met with abrupt qualifications about the black and white nature of regulations even when these statements were later contradicted or at least complicated by empirical examples. My interviewees

in general were very concerned that their positions would be compromised if it were seen that they exercised discretion in improper ways. Since each interview I performed was based on referrals from the previous interview it was necessary for me as a researcher to maintain a positive relationship with my interviewees in order to continue the project. Adopting a confrontational approach designed to uncover nefarious motives underlying discretionary enforcement was thus a methodological impossibility within the context of this study. Finally, as I have argued before; there is a great deal of value to research which does not confine itself to the obvious and journalistic aspects of uneven regulation and instead calls attention to the more subtle questions of the mundane, the everyday and the taken-for-granted; it is at this level that I feel this research has merit.

6.1.3   Policy Implications

Finally, I turn to the question of the policy and practical implications of this study. In a very early draft of my research proposal for this project, I wrote that my goal was to make policy more "predictable and equitable". Over the course of conducting this research, I have come to realize that this is an unrealistic outcome of a project such as this. Discretionary enforcement is a necessary feature of bureaucracies; it is the only method capable of dealing with the complexity faced by street-level bureaucrats. Likewise, bureaucratic understandings of space need to be understood in part as expressions of state logics which will not be changed by simple policy directives. Policy cannot address the problem of discretion by increasing or curtailing it since both are appropriate responses in particular situations. At times, the public should call on government to liberalize discretion so that inspectors can extend leniency to individuals who require it. At other times, demands must be made that discretion be curtailed in the

interests of ensuring equitable treatment from government. Activist groups in the Downtown Eastside like DERA have lobbied the city to enforce property use bylaws when hotel owners allowed people to live in substandard housing. Now we see the city rigidly enforcing bylaws in the DES and making people homeless in the process.

What is the appropriate policy response to this and other situations where discretion, regulations and enforcement create such disparate effects for people living in the city? It is my contention that regulating discretion as such is beyond the reach of policy and that solutions must come from another source altogether. I argue above all that discretion must be seen as an open question – as a necessary problematic of governance. It is not something which can be reduced to a policy instrument and wielded with predictable results. What is critical from a practical and policy perspective is simply that discretion and enforcement need to be taken seriously by academics, activists and policy makers alike. Maintaining discretion and bureaucratic understandings of space as open questions requires staying attuned to their position as the flip-side of regulations themselves; it requires that we take seriously the roles of those entrusted with the administration of regulations and not just their drafting, and finally, it requires that we recognize the ways in which regulations and their enforcement are far from neutral but are political instruments with profound effects for the people who live in our cities.

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